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MONTROSE

AND

THE COVENANTERS,

THEIR

CHARACTERS AND CONDUCT,

ILLUSTRATED

FROM PRIVATE LETTERS AND OTHER ORIGINAL DOCUMENTS

HITHERTO UNPUBLISHED,

EMBRACING THE TIMES OF CHARLES THE FIRST, FROM THE RISE OF THE TROUBLES IN SCOTLAND, TO THE DEATH OF MONTROSE.

BY

MARK NAPIER, Esq.

ADVOCATE.

VOLUME FIRST.

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PREFACE.

SOME years ago, having occasion to examine the Napier charter-chest, I discovered materials there which suggested the idea of illustrating, more fully and originally than had hitherto been done, the lives of two of the greatest worthies, in their separate walks, whom Scotland has produced, viz. NAPIER and MONTROSE. Different as were the characters and pursuits of the Inventor of Logarithms, and the Hero of the Scottish Troubles, some of the illustrations contained in the "Memoirs of John Napier of Merchiston," and those now brought together to elucidate the comparative merits of "Montrose and the Covenanters," are not without an historical connexion. Napier, a great champion of the Protestant Church, attracted the eyes of Europe even more, in his own day, by his very learned and original Commentaries on the Apocalypse, than by his immortal discovery in mathematics. He was a most distinguished leader of that church party in Scotland who stood forth, sturdily and conscientiously, but without disloyal or anti-monarchical feelings, against the supposed papistical inclinations of James VI., and the desperate attempts of absolute Popery

from abroad. Napier's eldest son, the first Lord Napier, a sincere disciple of his father's in those rigid Protestant doctrines, became the personal friend both of James VI. and Charles I., and, moreover, a second parent to Montrose. But, in the progress of events, all that was honest and sincere of the anti-papistical party in Scotland was superseded by an insidious democratic clique, who, disguised for a time under the mantles of such enthusiasts as Knox and Napier, and pretending to identify Episcopacy with Popery, pressed onwards, through their various stages of duplicity and crime, until an ephemeral throne, born of their anarchy, was reared upon the prostrate necks of RELIGION and LIBERTY, whose sacred names they had taken in vain. Hence it happened that the immediate representative of the great Napier, and his illustrious pupil Montrose, were covenanting at first, and, without the sacrifice of a principle, martyrs to their loyalty in the end.

But, even in our own enlightened times, there is a disposition to confound the cause of truth with that career of democracy, and to claim for the factious Covenanter of Argyle's Dictatorship,—as vicious a compound as ever agitated under a veil of sanctity,—the respect due to the stern virtues of some of our early reformers, and also that admiring sympathy which the violent and impolitic retaliation of the Government of the second James has rendered no less due to the wrapt heroism of the Cameronian peasant. Some, indeed, carry their vague ideas, of the political sobriquet "Covenanters," so far as to consider the term sacred, to identify

those factionists with the Church of Scotland in all eras, and to resent any attempt at exposing their vices, with as much keenness as if the respectability of the Presbyterian forms depended upon the fame of the unprincipled school of Argyle, such as Wariston, and Lauderdale himself, the persecutor of the second race of Covenanters. It is not, however, in a sense so indiscriminate, that I have adopted the title "Montrose and the Covenanters," or have instituted that contrast.

The name and actions of Montrose were too conspicuous, and influential, in his critical times, not to have become familiar even to such as cannot, in a strict sense, be termed readers of history. The romantic pages, and historic genius, of Sir Walter Scott, have made the hero as well known to the general or luxurious reader, as he is to those who study, more inquiringly and systematically, all the historical annals of their country. Hence there is an impression, widely prevailing though very erroneous, that no more need or can be recorded of Montrose and his times. But, I venture to say, had the original materials now first brought to light in the following pages, been in the possession of David Hume or Sir Walter Scott, greatly would the acquisition have aided, enlightened, and enriched, a deeply interesting and important chapter of their historical compositions. Even the domestic facts, though few in number, which I have been enabled to add to a more minute illustration of the principles of Montrose's public conduct than had hitherto been afforded, would have been treasures in the hands of the "Great Magician." With such stores, new to the

world, his exquisite, but unfortunately too meagre, "Legend of Montrose," might have expanded in a work of yet greater interest and effect; combining, too, the truth and importance of historical discovery, with some domestic matters of unquestionable fact, that beggar even his powers of romantic fiction. The devotion, to Montrose, of his nephew, who was so dearly beloved in return, and who preserved that devotion to his uncle in the face of the most powerful entreaties and temptations to forsake, or at least to quit him,—the no less heroic adherence, to Montrose and his cause, displayed by his nieces, who on his account suffered the imprisonment of malefactors, and were reduced from the affluence and luxuries of their high station to discomfort and poverty,—the "well known token," sent by them to guide the hero to his career of ill-fated victories,——the abstracting of his heart from his mutilated trunk beneath the gibbet,—and, above all, the extraordinary progress of that romantic relic, through perils by land and sea, even into the possession, and among the barbaric treasures of an Indian chief,—himself an heroic sufferer, whom we must not call savage,—these are incidents which ought to have been introduced to the world by no other pen than Sir Walter Scott's; but which, it may be hoped, will cause, even by this humbler record of them, the Legend of Montrose itself to be perused with additional interest.

The most important new matter, however, contained in these volumes, are the historical fragments obtained from the private archives of the Napier family, with

the addition of some discoveries among the manuscripts of the Advocates' Library. These throw an entirely new light upon the moral springs of Montrose's isolated and almost incredible exertions, and, at the same time, aid not insignificantly our reflections upon the state and results of his times,—an exhaustless source of political and moral instruction. Whilst such enthusiastic democratical writers as Mr Brodie, (now Historiographer Royal for Scotland,) followed by Lord Nugent, and, in the chapter we refer to, quoted and relied upon even by an historian of such superior powers as Hallam,—whilst these have run riot in their assumptions of Montrose's unprincipled selfishness, reckless ambition, and insatiable appetite for blood and murder, how little has been done to illustrate what was the actual state of the Hero's mind in his meteor-career of self-devotion. But, as an antidote to those baneful historical calumnies,—in opposing which I am conscious of having caught too much of the tone of excited controversy,—of having written "*tumultuante calamo*," and, it may be said, occasionally somewhat in King Cambyses' vein,—I would desire no more than that beside those calumnies should be placed the hitherto unknown letters and documents I have now produced, in which Montrose may be said to speak for himself, on the matter of his advice to Charles I. and the motives and principles of his own conduct.

From the charge of having "touched that unclean thing whiggery,"—(I adopt the expressive phrase of a distinguished literary correspondent, who honoured me

with a perusal of these volumes before they were published,)—of having committed a false step in joining at their outset the covenanting *clique* in Scotland,—a word I do not shrink from using, as being truly descriptive of a party who arrogated to themselves the character of a whole nation's generous voice,—of having acted inconsistently with the dictates of his reason, and his maturer principles of action, by having carried, what he fondly considered the arms of "the Covenant," against the last hope of true Religion and Liberty in the north,—from these charges Montrose can never be exonerated. But the moral, and, when we remember his expiatory struggle and death, it may be added, the grandeur, of his heroic character and career, cannot, by such defects, lose their value and interest. The documents referred to must carry an irresistible conviction, at least to every unbiassed mind commencing its study of the times past, that, even in his first error and inconsistency, Montrose was humane and honest, was no far-sighted and selfish factionist, no bloodthirsty destroyer, but a youthful and mistaken enthusiast. If the sudden and violent excitement of the period, and Montrose's age of four-and-twenty, will not suffice to reconcile such political inconsistency as can be proved against him, with the character of an honest statesman, and a glorious hero, we may close the annals of human virtue.

I am induced to notice still further in this place the manuscripts which prove Montrose to have exercised, in his later patriotic struggle, the ratiocination of an

upright and accomplished politician, from having, in a recent visit to Cambridge, my attention called to a published Discourse, pronounced by one of the living ornaments of that seat of learning and loyalty. I will be excused for transcribing the whole passage from such a writer as Professor Sedgwick. In his scrutiny of some of Paley's defective Philosophy, occurs what will be found in the note.* I have no reason to ima-

"Why is it our duty to obey the civil government? Paley replies, *because it is the will of God as collected from expediency.....so long as the established government cannot be resisted or changed without public inconveniency, it is the will of God that the established government be obeyed—and no longer. This principle being admitted, the justice of every particular case of resistance is reduced to a computation of the quantity of danger and grievance on one side, and of the probability and expense of redressing it on the other. But who shall judge of this? We answer, every man for himself.** A more loose and mischievous doctrine —one more certain to be turned to base purposes by bad men—was never, I believe, upheld by any Christian moralist. In times of excitement, men are too much blinded by passion ever to enter fairly on a computation of civil grievance: and as for danger—brave men of sanguine tempers are not restrained by it, but on the contrary, are urged by it into action. On Paley's principles, civil obedience cannot continue to be regarded as a duty: and if civil order be retained at all, it can only be through selfishness and fear on the one hand, and by corruption and brute force on the other. Such a state of things can only lead to ruin and confusion, or the establishment of a despotic executive.

"An unbeliever may ground his duty of obedience in expediency: but a Christian finds, in the word of God, a ready answer to the question we started with. Obedience to the civil government is a duty, because the word of God solemnly and repeatedly enjoins it. But does this doctrine lead us to the slavish maxims of *non-resistance and passive obedience?* Undoubtedly not. The Apostles of our religion gave us an example and a rule for the resistance of a Christian. They resisted not the powers of the world by bodily force; but by persuasion, by patient endurance, and by heroic self-devotion: and the moral and civil revolutions, which they and their followers effected, were incomparably the most astonishing that are recorded in the history of man.

"Should it, however, be said, that ordinary men, not having the powers

* Moral and Political Philosophy, Book vi. Chap. iii.

gine that those powerful passages were composed under the direct influence of a recollection of the times of Charles I., or with an immediate reference to Montrose and the Covenanters. Certainly Professor Sedgwick had never seen the fragments of papers which have preserved to us the reasonings of Montrose, and of his preceptor, Napier, on the subject of Sovereign power, and Rebellion. Yet, notwithstanding all that has come and gone, since about the year 1641, when those frag-

given to the inspired Apostles, must, on that account, adopt less exalted maxims as their rules of life: we may state in general terms (without loading this discussion with extreme cases which lead to no practical good in moral speculation), that where the Christian religion prevails in its purity, it is impossible there should ever exist an unmitigated despotism: and where the power of the executive is limited (in however small a degree) there will always be found within the constitution some place where the encroachments of bad and despotic men may be met by a moral and legal resistance. Rebellion is proscribed by human law, and is forbidden by the law of God. But a moral opposition to the executive, conducted on constitutional grounds, is proscribed by no law, either of God or man: and if it be wisely and virtuously carried on, it has in its own nature the elements of increasing strength, and must at length be irresistible. If, however, during the progress of a state, the constituted authorities be in open warfare with each other; a good man may at length be compelled to take a side, and reluctantly to draw his sword in defence of the best inheritance of his country. Such an appeal, to be just, must be made on principle; and after all other honest means have been tried in vain.

"Unfortunately, the opposition to the encroachments of arbitrary power, has too often been commenced by selfish men for base purposes. Instead of taking their stand in a moral and constitutional resistance—instead of trying, by every human means, to concentrate all the might of virtue and high principle on their side, they have broken the laws of their country, dipped their hands in blood, and needlessly brought ruin on themselves and their party. The vices of the subject are not only the despot's plea, but the despot's strength. Where the virtuous elements of social order are wanting in the state, whether men be willing slaves or not, they are unfit for freedom."—*Discourse, &c. by Adam Sedgwick, M. A., F. R. S., &c. Woodwardian Professor and Fellow of Trinity College, Cambridge. Fourth Edition*, 1835, *p.* 137–139.

ments entered, not history, but the obscurity of a Scottish charter-chest, to the year 1835, when one of the most accomplished of her sons addressed *Alma Mater* as quoted, Montrose's principles of civil obedience, his axioms of political government, his anxious and elaborate search for that invisible line of demarcation, betwixt the philosophy of non-resistance and passive obedience on the one hand, and, on the other, justifiable resistance to arbitrary power,—the reasoning and sentiments, we say, of Montrose, when deprecating the approach of the great civil war, are wonderfully similar, in their philosophy, logic, and even language, to those with which Professor Sedgwick instructed the youth of Cambridge in the Chapel of Trinity College. "Rebellion is proscribed by human law, and is forbidden by the law of God. But a moral opposition to the executive, conducted on constitutional grounds, is proscribed by no law, either of God or man; and if it be wisely and virtuously carried on, it has in its own nature the elements of increasing strength, and must at length be irresistible. If, however, during the progress of a state, the constituted authorities be in open warfare with each other, a good man may at length be compelled to take a side, and reluctantly to draw his sword in defence of the best inheritance of his country. Such an appeal to be just, must be made on principle; and after all other honest means have been tried in vain." So inculcates the living Professor. And moreover, he maintains obedience to the civil government as a duty, "because the word of God solemnly and re-

peatedly enjoins it ;" and he refers us to the example of the apostles of religion, who " resisted not the powers of the world by bodily force, but by patient endurance, and by heroic self-devotion." Finally he tells us, in the concluding passage of the pages we have quoted from him, a passage singularly applicable to the conduct of the covenanting rulers, that " unfortunately, the opposition to the encroachments of arbitrary power has too often been commenced by selfish men for base purposes," who, he adds, " have broken the laws of their country, dipped their hands in blood, and needlessly brought ruin on themselves and their party."

This is an unpremeditated and unconscious echo of what the murdered Montrose, and his Mentor, inculcated two hundred years ago, before the great civil war, and its fearful results, had verified their worst anticipations. " Civil societies, (said they) so pleasing to Almighty God, cannot subsist without government, nor government without a sovereign power to force obedience to laws and just commands. * * * This sovereignty is, *a power over the people*, above which power there is none upon earth, whose acts cannot be rescinded by any other, instituted by God for his glory, and the temporal and eternal happiness of men. * * * Patience in the subject is the best remedy against the effects of a prince's power too far extended. * * * But there is a fair and justifiable way for subjects to procure a moderate government, incumbent to them in duty, which is, to endeavour the security of Religion and just Liberties, (the

matters on which a prince's power doth work,) which being secured, *his* power must needs be temperate and run in the even channel. * * * The perpetual cause of the controversies between the prince and his subjects, is the ambitious designs of rule in great men, veiled under the specious pretext of religion and the subjects' liberties." Professor Sedgwick's sacred principle of obedience to civil government, and his views of the moral depravity of rebellion, are not to be distinguished, except by those who indulge in mere verbal disputes, from Montrose and Napier's exposition of the divine and inviolable character of sovereign power upon earth, " whether in the person of a *monarch*, or in a *few principal men*, or in the *estates of the people*."*

It is hoped, then, that the new materials, with which I have illustrated Montrose and his times, will be considered as not limited, in their interest and importance, to the tastes of a certain class of historical readers in Scotland, but as being valuable to the cause of truth and justice generally. Could I suppose my own treatment of these materials to be worthy of the field of inquiry they reopen, I might have aspired to dedicate the result to the best existing representative of those lofty, unimpassioned principles,—so conservative of good government and time-honoured institutions,—those attributes, of untainted integrity in the senate, and matchless heroism in the field, which may they never cease to be the characteristics of the British nation. But I do not pretend to have brought to my task the talent and judg-

* See *infra*, pp. 397, 424, &c.

ment it required. If, however, the various original documents now produced, and which, instead of consigning to the retirement of an appendix, I have interwoven with my text, shall be found to add any thing to the facts, and the interest of the most instructive period of British history, and, above all, shall in any degree tend to redeem from unmerited obloquy one illustrious victim of hypocritical democracy, I am satisfied to give up my own lucubrations in these volumes to whatever criticism they may call forth.

It only remains to be added, that I was not so far wanting to my subject, nor in duty to the noble family whose proud distinction it is to represent the Hero, as to omit an application in the proper quarter for any original materials, in possession of the family, which might illustrate the life of Montrose. But that no such materials exist, I learn, with great regret, from his Grace the present Duke of Montrose, who, in a polite communication on the subject, informs me,—" I am sorry to say that we cannot give you any assistance in the performance of the task you are preparing to undertake, as there are no papers whatever existing, and in our possession, which can throw light upon the subject."

11, *Stafford Street, April* 1838.

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MONTROSE

AND THE COVENANTERS.

ERRATA.

Vol. I.

Page 16, line 4th of notes, *for* " well, said Bishop," *read* " well said, Bishop."
—— 352, —— 3d of text, *for* " mistake the character of" *read* " slight or overlook."

THE latest elaborate character of the GREAT MONTROSE, from the pen of a historian, is the following:

" Active, cruel, daring, and unprincipled, he seemed formed by nature for civil broils. Chagrined at real or supposed neglect from the court, he joined the Covenanters with a bitterness of spirit which was mistaken for enthusiastic zeal. But vexed, on the one hand, at being eclipsed in the council by the abilities and influence of Argyle, and in the army by Leslie, and allured, on the other, by the prospect of high court favour, the want of which had first stung him with mortification and revenge, he eagerly listened to tempting offers, and not only engaged to renounce the principles for which he had contended, but to betray the cause, to conspire by perjury against the lives and honour of the individuals with whom he had acted in concert, and latterly to propose cutting them off by assas-

sination, or by suddenly raising a faction in the hour of unsuspecting security, to perpetrate an indiscriminate slaughter upon all the leading men of the party. Detected in his wickedness, and *utterly cast off by the whole body as bloated with iniquity*, he allowed the tumultuous fury of wounded pride and disappointed ambition to assume the semblance of principle, and looked towards the ruin of the political franchises and the religion of his country, which he had so sworn to maintain, as to the necessary removal of standing reproaches of his apostacy, and barriers to his aggrandizement. Hence there was *no scheme so desperate that he hesitated to recommend, none so wicked that he declined to execute.*" *

There is no character, in ancient or modern times, more atrocious than what is here described. Nor is our historian contented with this concentration of his indignant feelings against Montrose. Throughout various passages of the work in question, he has exhausted the powers of his language to paint that nobleman a monster. He calls him a " nobleman destitute of either public or private principle ;" and, while revelling in the barbarous details of his execution, speaks of him as " the blackest criminal,"—of " his manifold enormities," his " breach of the Covenant,"—his " assassinations and massacres,"—his " cold-blooded, indiscriminate, unmanly vengeance,"—his " horrid devastations,"—his " infamous end,"—and, finally, his " *poetry*, no less execrable than his actions had been as a member of society." † Mr Brodie is an author of laborious research, and it were not impossible that he had brought facts to light

* A History of the British Empire, by George Brodie, Esq. Advocate, Vol. ii. p. 404.

† Vol. iv. pp. 270, 271, 272.

which might alter our estimate of Montrose. The above would be a remarkable result, however, for such a character of this loyalist was never hitherto imagined, and had it been placed, reserving the name, before, not to say his most intimate friends, but the bitterest and most prejudiced of his contemporary enemies, we may venture to affirm that not a feature of resemblance would have been recognized. Nor must we forget that Montrose, in his own times, was pourtrayed by the greatest master that ever excelled in that peculiar art of fixing, for posterity, the moral lineaments of conspicuous men. CLARENDON says, "Montrose was in his nature fearless of danger, and never declined any enterprize for the difficulty of going through with it, but exceedingly affected those which seemed desperate to other men, and did believe somewhat to be in himself which other men were not acquainted with, which made him live more easily towards those who were, or were willing to be inferior to him, (towards whom he exercised wonderful civility and generosity,) than with his superiors or equals. He was naturally jealous, and suspected those who did not concur with him in the way not to mean so well as he. He was not without vanity, but his virtues were much superior, and he well deserved to have his memory preserved, and celebrated amongst the most illustrious persons of the age in which he lived."*

Now assuming, what we by no means grant, that Mr Brodie is better informed in point of fact, than was Lord Clarendon, as to Montrose's dispositions, motives and conduct, and that he is, moreover, a less prejudiced authority on the subject, still it were incredible that the advantage over Clarendon, thus supposed to be possessed by

* Clarendon's Hist. Oxford edit. 1826, with the suppressed passages, Vol. vi. p. 422.

the modern historian, could be to the extent of the difference betwixt these two portraits. There was, besides, another keen observer of human nature, the celebrated CARDINAL DE RETZ, personally acquainted with our hero; and he pronounced the memorable opinion, that the only being who had ever realized his idea of a class of heroes no longer living save in the pages of Plutarch, was Montrose, who had sustained the cause of the King of England with a greatness of soul unparalleled in that age.* What has our modern historian established to excuse his own unmeasured condemnation of Montrose in the face of such contemporary opinions? In vain have we searched through his labours to find proof for any one of those flagrant acts upon which his delineation of Montrose's character appears to be founded. We obtain from him, indeed, a new and most extraordinary portraiture of Montrose, but no new illustration of the obscurer passages of his history,—not a single additional fact on the subject. The value of the vituperative censure in question is, in our humble opinion, about equal to that of the contemporary abuse which Mr Brodie, in his turn, might quote against our reliance upon Clarendon and De Retz, and which was invariably expressed, and proved, thus:—"*That cruel Murtherer, and bloody excommunicated Traitor, James Graham, sometime called Earl of Montrose!*" The Presbyterian democracy to which Montrose fell a victim, because he detected and opposed the designs of a faction against the throne, systematically originated that

* Le Comte de Montross, Ecossois, et chef de la maison de Graham, le seul homme du monde qui m'ait jamais rapellé l'idée de certains heros que l'on ne voit plus que dans les vies de Plutarque, avoit soûtenir le parti du Roi d'Angleterre dans son païs, avec une grandeur d'ame qui n'en avoit point de pareille en ce siècle."—*Mémoires du Cardinal de Retz.*

monotonous calumny, which they made it treason to contradict, or even to refuse to echo. Among the manuscripts of the Advocates' Library there is a most amusing and not uninstructive private journal of the period, entitled "Nichol's Diary," in which Montrose is never named without the accompaniment of those violent and opprobrious epithets. At some subsequent period, however, they had been partly erased by the writer himself, who qualifies all the passages where they occur by this explanation;—"Such were the orders of Parliament and Committee, and prohibitions of the kirks, that none durst speak in favour of that nobleman, for fear of censure and punishment;"—and after narrating a grievous punishment inflicted by the Committee of Estates upon a citizen of Glasgow, for uttering an exclamation in favour of Montrose whom they were proclaiming a traitor,—"wherefore," says this simple time-server, "and for eschewing the like trial and punishment, the writer is forced to set down in these observations the same titles, styles, and designations, vented, spoken and printed of him, as before, by authority and power of those that ruled for the time."* Now we cannot help thinking that the outrage upon History, committed in the modern character of Montrose, will pass down the stream of time, obtaining no more credit, with unprejudiced and reflecting minds, than if it had been penned, in a factious pamphlet, by some Presbyterian demagogue employed by the Committee of Estates.

It was not, therefore, for the sake of specially refuting what in a great measure destroys itself, that we commenced by quoting a page of Mr Brodie's History of the British Empire, but because in those sentences

* This very curious historical manuscript is now in progress of being privately printed.

we find gathered together, and assumed as facts, various obscure points which we mean to elucidate. The object of the following pages is to supply an important and interesting chapter of history, no less than to do justice to Montrose himself, by illustrating, frequently from original manuscripts, those circumstances of his life that have been least investigated, and most violently assumed to his disadvantage. More moderate and less prejudiced historians have also *assumed* what Mr Brodie calls the "bitterness of spirit," the stinging of "mortification and revenge," for "real or supposed neglect from the court," as the state of mind with which Montrose joined the Covenanters. But even in this false step of his early career, it may be shown that his motives and feelings have been misunderstood or misrepresented. His separation from the Covenanters can be accounted for by circumstances that must redeem his character from those vague and passing calumnies of the day,—his alleged jealousy of Argyle in council, and Leslie in the field "on the one hand," and the allurements of tempting offers "on the other hand,"—so undoubtingly recorded by Mr Brodie as the sole motives of his change. With the aid of original manuscripts, we will unravel much of the secret history of those mysterious occurrences on which our historian, totally uninformed as to the details, founds his accusation against Montrose, of having "conspired by perjury against the lives and honour of the individuals with whom he had acted in concert." We will prove that the well-known anecdote found in Lord Clarendon's manuscript, that Montrose made an offer to Charles I. to assassinate Hamilton and Argyle,—an offer, as the story goes, indignantly rejected by the Monarch,—did not, and could not possibly occur; and that the great his-

torian had hastily noted a confused and improbable calumny, arising out of the factious persecution of Montrose and the double-dealing of traitors round the throne. From the same original and unexplored sources it will be demonstrated that Montrose, so far from being "detected in his wickedness, and utterly cast off by the whole body as bloated with iniquity," was never brought to a fair trial for any one of the many vituperative accusations heaped upon him by the enemies of good order, justice, and mercy; that even the lawless tribunals by which he was persecuted, totally failed in their attempts to convict him, down to the hour when they murdered him for his loyalty; and that at any time, before his conquering sword had fallen so heavy on the head of a rampant democracy, he would have been received with open arms, and loaded with their favours, had he but consented to fall down and worship them. Finally, instead of the political apostate and traitor destitute of either public or private principle, the ruffian stained with assassinations and massacres, we hope to disclose,—upon unquestionable evidence, and without attempting to conceal defects in the disposition of Montrose, common to humanity, or characteristic of himself,—not merely a statesman too honest for the councils of the Covenant, and a soldier too humane for its arms, but a gentleman, accomplished in mind and body, his head stored with classic learning, and his heart overflowing with lofty and generous sentiments.

There is no life of Montrose except the elegant Latin history of his achievements written by his faithful chaplain Dr George Wishart, afterwards Bishop of Edinburgh. This only commences at the period when our hero had detected the covenanting designs, and was

extricating himself from the movement party, about the close of the year 1639. It is principally a history of his wonderful efforts in support of the falling cause of Monarchy,—an enthusiastic appeal in his favour to honour and high feeling abroad, from the barbarous anarchy of "the cloud in the north" then expanding over Britain. There is a domestic circumstance, however, incidentally mentioned by Wishart, which of itself affords some contradiction to the extraordinary theory that Montrose was a monster of malevolent impulses, with whom no one of Christian feelings could have endured to be familiar. Immediately after the defeat at Philiphaugh, he is disclosed to us mourning over the grave of his brother-in-law, Lord Napier, a nobleman many years his senior, and one of the most pious and irreproachable statesmen of his day.* Montrose, deprived of his own parent in early life, was reared with parental affection by this Lord Napier, who was one of his curators and married to his elder sister. But, moreover, it was in councilship and in company with this nobleman, who had also subscribed the Covenant, that Montrose passed through that revulsion of political feeling which some would have us believe to have been solely caused, in his breast, by an aptitude to betray, and a propensity to shed blood. The passage in Wishart is remarkable, and we shall quote it from a translation published two years before the death of Montrose. "About this time (1645,) the Lord Napier of Merchiston departed this life in Atholl,—a man of a most innocent life and happy parts, a truly noble gentleman and chief of an ancient family; one who equalled his father and

* Archibald first Lord Napier, (eldest son of the Inventor of Logarithms) married Lady Margaret Graham, second daughter of John fourth Earl of Montrose.

grandfather, Napiers, (philosophers and mathematicians, famous through all the world,) in other things, but far exceeded them in his dexterity in civil business; a man as faithful unto as he was highly esteemed by King James and King Charles. Sometime he was Treasurer, and was deservedly advanced into the rank of the higher nobility, and since these times had expressed so much loyalty and love to the King, that he was a large partaker of the rewards that rebels bestow upon virtue,—often imprisonment, sequestration, and plunder. Montrose, when he was a boy, looked upon this noble man as a *most tender father*; when he was a youth, as a *most sage admonitor*, when he was a man, as a *most faithful friend*; and now that he died was no otherwise affected with his death than as if it had been his father's. Whose most elaborate discourses *of the right of Kings*, and *of the origin of the turmoils in Great Britain*, I heartily wish may sometime come to light." *

Unfortunately the compositions here alluded to are no longer to be found. Among the Merchiston papers, however, there are various remnants, which appear to have suffered from fire as well as time, all in the handwriting of this Lord Napier, and relating to his connexion with the events of the reign of Charles I. It is interesting to trace in some of these manuscripts the peculiar and learned style, interspersed with classical allusions and quotations, which, as appears from every account, and indeed from the examples we have it in our power to afford, characterized the compositions of Montrose. We can have little doubt, on perusing Lord

* The last sentence of what is quoted above is, in the original Latin, 1647, as follows: "Quem Montisrosanus puer, quasi indulgentissimum parentem, —adolescens monitorem consultissimum—adultus verò fidissimum amicum semper coluit; ejusque mortem haud aliter quàm paternam tulit. Cujus de jure Regio, et tumultuum in Britannia origine, eruditissime dissertationes, utinam aliquando videant lucem." P. 199.

Napier's papers, of the source of his distinguished pupil's early command of classic lore. But, what is of more consequence, we derive from them much and curious information relative to that critical period of Montrose's career when he was becoming sensible of his false position, and of the insidious approaches of an unprincipled faction against the throne. They afford, in the most convincing manner, a complete exposure of the baseless calumnies upon which Montrose, Napier, and a few others were so virulently pursued by the Committee of Estates, on the pretext of what was termed " the Plot," in the year 1641, and out of which arose " the Incident"—the shadow of a shade. This plot, the unravelling of which will open up the whole merits of Montrose's separation from the Covenanters, we are now enabled to elucidate thoroughly, by means of connecting what remains of Lord Napier's papers with other original manuscripts on the subject, which likewise have been hitherto unexplored, though preserved among the exhaustless stores of the Advocates' Library. The only historical composition left complete by this nobleman is a manuscript in his handwriting, entitled " A true Relation of the injust persute against the Lord Napier, written by himselfe." This does not refer to " the Plot," nor to any of the transactions which fall under the denomination of " the Troubles" in Scotland. It relates to a private cabal at court to deprive Napier of royal favour and countenance, a storm through which his unflinching integrity bore him with safety and honour. The period embraced by this Relation is from the beginning of the reign in 1625, to the date of the King's coronation visit to Scotland in 1633. It was written soon after that event, and before the period of Montrose's return from his youthful travels.

But the narrative is interspersed with curious anecdotes of the growth of faction, and sketches of public characters, furnishing withal so apt and instructive a preliminary to the factious scenes which ushered in the great Rebellion, that we need offer no apology for presenting our readers with the extracts from it that will be found in this introductory chapter. * To these we shall add, also as preliminary to the scenes in which Montrose himself so conspicuously figured, some facts and reflections, left in manuscript by Lord Napier, and hitherto buried in the charter-chest of his family, relating to the character and conduct of Charles in his policy for the government of Scotland. Such fragments, of a date prior to the disorganization of that country, and when the writer had obtained no bias, from the subsequent insurrections and Rebellion, in his estimate of the King and his faithless courtiers, may be of more value in guiding us to a just appreciation of the character of that unhappy monarch, of the difficulties he had to struggle with, and of the degree of his culpability amid the distractions of his reign, than pages of dissertation on the subject from a Hallam or a Brodie.

Before proceeding, however, with these interesting aids, to consider the seeds of the great Rebellion,—quickening amid the heat of petty factions while Montrose was in his boyhood or prosecuting his travels, —we must notice, and dispose of with retributive justice, another portraiture of our hero, less outrageous in expression, but more dangerous in effect, than Mr Brodie's. The celebrated Bishop Burnet, in his History of his own

* In the year 1793 Francis seventh Lord Napier caused a very limited impression of this manuscript to be printed. But it has attracted little or no attention, not being accompanied with any illustration, and, indeed, is known to few besides historical antiquaries.

Time, (the whole malice of which has only of late years become known to the world by the restoration of the suppressed passages in the Oxford edition,) attributes the ruin of the King entirely to the successes of Montrose. "The Marquis of Montrose's success," says the Bishop, "was very mischievous, and proved the ruin of the King's affairs;" and, after amusing the reader with some of his fascinating gossip, he adds,—"his (the King's) affairs declined totally in England that summer, and Lord Hollis said to me all was owing to Lord Montrose's unhappy successes." This paradoxical assertion is the finishing touch to a sketch, composed of various sly and malicious notices of Montrose, by the right reverend artist, in which he would persuade us that the predominant features of that nobleman's mind were a mischievous spirit of enterprize arising from a weak superstition, and a vain affectation of heroism checked and paralyzed by his *personal timidity* in the field! Well might filial piety, more tender of the Bishop's reputation than he was of that of others, suppress such a sentence as the following:—Montrose "in his defeat *took too much care of himself*, for he was *never willing to expose himself too much.*" * Was Montrose a coward? We will believe all that the Bishop tells us of *his own* moral courage,—how he, Gilbert Burnet, stood serene amid the convulsions of faction, and, whether by the side of his friends perishing on the scaffold, or in the presence of frown-

* In the original edition, by the Bishop's son, this scandalous passage is suppressed; but restored in that published at Oxford, (with the curious notes from the MS. of Lord Dartmouth, Dean Swift, and others,) 1823, p. 67. Burnet says, Montrose "wasted the estates of his enemies, chiefly the Hamiltons," upon which Lord Dartmouth notes this remark,—"which might have been an inducement for the Bishop to give so malicious an account of the Marquis of Montrose's transactions."

ing and dangerous majesty, told the unwelcome truth, and feared not,—before we will believe that Montrose was a coward. But what, at bottom, was the Bishop? Lord Dartmouth, after perusing the portion of his History first published, noted on the margin,—"he was extremely partial, and readily took every thing for granted that he heard to the prejudice of those that he did not like, which made him pass for a man of less truth than he really was; I do not think he designedly published any thing he believed to be false." When, however, his lordship had perused the rest, he notes a more decided opinion:—"I wrote in the first volume of this book that I did not believe the Bishop designedly published any thing he believed to be false; therefore think myself obliged to write in this that I am fully satisfied that he published many things that he knew to be so." And upon the concluding prayer of this celebrated performance the noble critic remarks,—"thus piously ends the most partial, malicious heap of scandal and misrepresentation, that was ever collected for the laudable design of giving a false impression of persons and things to all future ages." This censure has been thought much too severe. But from the Napier charter-chest, the store that encouraged us to the task of rescuing the name of Montrose from all the aspersions we have noticed, by a species of retributive justice there, at the same time, rises up in judgment against the Bishop, a letter of his own, which we now produce in corroboration of the meanest opinion that has ever been conceived of this prelate.* It is sufficient to premise that the letter is occasioned by that memorable crisis

* The history of this letter's appearing among the Merchiston papers will be found in the note to this page, at the end of the volume.

of the Rye-house plot, when, after the suicide of Essex, Lord Russell is under condemnation, and on the eve of ascending the scaffold. It is addressed, "For John Brisbane, Esquire," (Secretary of the Admiralty,) and within the cover there is written,—

"DEAR SIR,

"I have writ the inclosed paper with as much order as the confusion I am under can allow. I leave it to you to shew it to my Lord Halifax, or *the King*, as you think fit, only I beg you will do it as soon as may be, that in case my Lord Russel sends for me, *the King may not be provoked against me by that.* So, Dear Sir, adieu.

"Memorandum for Mr Brisbane.

"To let my L. Privy Seal know that out of respect to him, I doe not come to him.* That I look on it as a great favour, that when so many houses were searched mine was not, in which tho' nothing could have been found, yet it would have marked me as a suspected person. That I never was in my whole life under so terrible a surprise and so deep a melancholy † as the dismall things these last two or three days has brought forth spreads over my mind ;‡ for God knows I never *so much as suspected* any such thing ; all I fear'd was only some rising if the King should happen to die ; and that *I only collected out of the obvious things that every*

* Lord Halifax. If Burnet, as he tells us in his History, was in the habit, before and after the date of this letter, of bearding in their dens both the King and the heir presumptive, why so ceremonious with the Privy Seal ?

† "Terrible-a-surprise-and-so-deep-a-melancholy." Had Swift seen this letter he would have noted that here was a Scotch word signifying *fright.*

‡ Here Swift would have had his usual fling at the Bishop's style—"dark nonsense"—"Scotch trash."

*body sees as well as I doe,** and to prevent that took more pains than perhaps any man in England did,† in particular with my unfortunate friends, to let them see that nothing brought in Popery so fast in Q. Marie's days as the business of L. Jane Grey, which gave it a greater advance in the first moneth of that reigne than otherwise it is likely it would have made during her whole life. So that I had *not the least suspition of this matter;* yet if my Lord Russell calls for my attendance now, *I cannot decline it,*‡ but I shall doe my duty with that fidelity as if any Privy-Counsellour were to overhear all that shall passe between us.

"I am upon this occasion positively resolved never to have any thing to doe more with men of business, particularly with any *in opposition to the Court,* but will divide the rest of my life between my function and a very few friends, and my laboratory; and upon this *I passe my word and faith to you, and that being given under my hand to you, I doe not doubt but you will make the like engagements in my name to the King;* and I hope my L. Privy Seal will take occasion to doe

* "Well said, Bishop," Swift would have exclaimed. It is really curious to compare this solemn declaration of his perfect ignorance of the existence of a conspiracy with the History of his own Time, many passages of which prove that he *was* particularly cognisant of a dark revolutionary scheme, though to what extent is uncertain. Indeed, his most intimate friends were the leading conspirators.

† "Puppy," Swift would have said.

‡ Yet by his History we are led to believe that Burnet's attendance on Lord Russell in his last moments was a determined act of magnanimous friendship. Speaking of his cousin Baillie of Jerviswood, who was imprisoned at the same time, he says,—"I also, at his desire, sent him books for his entertainment, for which I was threatened with a prison. I said I was his nearest kinsman in the place, and this was only to do as I would be done by. From what I found among the Scots, I quieted the fears of Lord Russell's friends." The Bishop had enough to do, it would seem, to quiet his own fears.

the like, for I think he will believe me.* I ask nor expect nothing but only to *stand clear in the King's thoughts*; for preferment, I am *resolved against it, tho' I could obtain it;* † but I beg not to be more under hard thoughts, especially since in all this discovery there has not been so much occasion to name me as to give a rise for a search, and the friendship I had with these two,‡ and their confidence in me in all other things, may show that they know I was *not to be spoke to in any thing against my duty to the King.*§ I doe beg of you that no discourse may be made of this, for it would look like a sneaking for somewhat, and you in particular know how farre that is from my heart;

* How well the Bishop (no Bishop then) kept his word! Here Swift would have applied the epithets by which he loved to designate Burnet —"Scotch dog, rogue, canting puppy, treacherous villain."

† "Well, said *Bishop*." Swift.

‡ Essex and Russell.

§ But see the History of his own Time! "Lord Essex, being in the country, I went to him to warn him of the danger I feared Lord Russel might be brought into by his conversation with my countrymen. He diverted me from all my apprehensions, and told me I might depend on it Lord Russel would be in nothing without acquainting him, and he seemed to agree entirely *with me that a rising in the state in which things were then would be fatal.* I always said that when the root of the constitution was struck at to be overturned, then I thought subjects might defend themselves; but I thought jealousies and fears, and particular acts of injustice could not warrant this. He did agree with me in this; he thought the obligation between prince and subject was so equally mutual, that, upon a breach on the one side, the other was free; but though he thought the late injustice in London, and the end that was driven at by it, did set them at liberty to look to themselves, yet he confessed *things were not ripe enough yet,* and that an ill-laid, and ill-managed, rising *would be our ruin.* I was then newly come from writing my History of the Reformation, and did so evidently see that the struggle for Lady Jane Gray, and Wyat's rising, was that which threw the nation so quickly into Popery after King Edward's days, that I was now *very apprehensive of this;* besides that I thought *it was yet unlawful.*"—Vol. ii. p. 156. It appears from this and other passages of his History that Burnet *was* consulted.

therefore I need not beg of you, nor of my Lord Halifax, to judge aright of this message; but if you can *make the King think well of it*, and *say nothing of it*, it will be the greatest kyndnes you can possibly doe me. I would have done this sooner, but it might have lookt like fear or guilt, so I forbore hitherto, but now I thought it fit to doe it. I choose rather to write it than say it, both that you might have it under my hand, that you may see *how sincere* I am in it, as also because I am now so overcharged with melancholy that I can scarce endure any company, and for two nights have not been able to sleep an hour. One thing you may, as you think fit, tell the King, that tho' I am too inconsiderable to think I can ever serve him while I am alive, yet I hope I shall be able to doe it *to some purpose after I am dead*; this *you understand*, and I will doe it *with zeal*;* so, my dear friend, pity your poor melancholy friend, who was never in his whole life under so deep an affliction, for I think I shall never enjoy myselfe after it, and God knows death would be now very welcome to me;† doe not come near me for some time, for I cannot bear any company, only I goe oft to my Lady Essex and weep with her; and indeed the King's carriage to her has been so *great and worthy, that it can never be too much admired, and I am sure, if ever I live to finish what you know I am about, it and all the other good things I can think of shall not want all*

* This and the concluding paragraph of the letter alludes to the History of his own Time, which he was then weaving. When, however, that posthumous work saw the light, there appeared the most villanous character of Charles II. it was possible to draw. But the character of Charles I., given in *that* work, is the most disgraceful to Burnet; Swift notes upon it, "not one good quality named!"

† There were, however, two wealthy wives and a bishopric, yet in store for our "poor melancholy friend!"

the light I can give them. Adieu, my dear friend, and keep this *as a witnesse against me if I ever fail in the performance of it.* I am, you know, with all the zeal and fidelity possible, your most faithful and most humble Servant,"

"*Sunday Morning,*
17*th July* 1683." "G. BURNET."

Burnet's abject letter did not succeed. He was disgraced, and obliged to go abroad. He became the most active agent of the Revolution, and obtained a mitre from King William. Lord Dartmouth says, "Mr Secretary Johnston, who was his intimate friend and near relation, told me, that, after a debate in the House of Lords, he (Burnet) usually went home, and altered every body's character, as they had pleased or displeased him that day." This remark has been considered calumnious, but something worse is proved against Burnet by his own letter. In his Life, prefixed to the History of his own Time, it is said, "His behaviour at the trial of the Lord Russell, his attendance on him in prison, and afterwards upon the scaffold, the examination he underwent before the council, in relation to that Lord's dying speech, and the *boldness* with which he there *undertook* to vindicate his memory, as also the indignation the court expressed against him upon that occasion, are all *fully set forth in the history.*" But it is impossible to credit that history, in such matters, after reading the above letter, which, be it observed, was to be made known to the King. Where had Burnet miraculously found the courage which, as the danger thickened around him, made him so collected and daring, before that very King and his Council, as to en-

rage them all? "*Lord Halifax* (he says) sent me word that the Duke looked on my reading the journal (before the Council) as a studied thing, to make a panegyric on Lord Russell's memory." Lord Halifax, for whom the letter had been written from our "poor melancholy friend"! *Credat Judæus.* And there is another story of which the above letter utterly destroys the credibility. Burnet, in his History, narrates how he took occasion to write what he calls "a very plain letter to the King. I set before him his past life, and the effects it had on the nation, with the judgments of God that lay on him, which was but a small part of the punishment that he might look for;" &c.—a letter, in short, of such coarse and fool-hardy philippic as was never written, by subject to his sovereign, before or since. That Burnet ever penned such a letter, at least with the intention of sending it to the King, was scarcely to be believed; that he actually sent it was incredible; but after perusing what he meant for the King's ear in 1683, we have little hesitation in saying that his former letter was *impossible.**

Here, then, is Burnet *Redivivus*, and now the Bishop may call Montrose a coward, or what he likes, and per-

* Burnet's son, in the Life of the Bishop prefixed to the History, gives the letter, mentioned in that history, at full length. It is dated 29th January, 16$\frac{4}{5}$. The Bishop's own account of it will be found under the year 1681. It is remarkable that Burnet says, "I told the King, in the letter, that I hoped the reflections on what had befallen his father on the 30th of January might move him to consider these things more carefully." But this coarse and insolent allusion to the murder of Charles I. is not to be found in the letter itself, produced by the Bishop's son. That editor also notes,—"the original of this letter is now in the editor's hand, wrote by the Bishop, with a memorandum how it was delivered, and when and how it was received." Surely this does not mean the original sent to the King, for Burnet, in his narrative of the matter, says that the King threw it into the fire after reading it.

suade the world of his own supereminent moral courage, if he can. For our part, after reading the above letter, we do not believe one malicious word of what Burnet has uttered, in the History of his own Time, against Charles I. and Montrose,—and he has therein said nothing about them that is not malicious. We do not believe that the apology for Hamilton, which he has given to the world in the Memoirs of that house, is by any means so truthful an exposition of the character of that mysterious Marquis, as the letters and papers entrusted to the Bishop, for the purpose of compiling the Memoirs, enabled him to give. We feel thoroughly persuaded that Bishop Burnet in that work, as well as in the History of his own Time, reversed the golden maxim of Cicero, *ne quid falsi dicere audeat, ne quid veri non audeat.* The marvellous of himself,* and the malicious of others, we henceforth altogether disbelieve when resting on the sole authority of the Bishop's historical record, and will never listen to when retailed traditionally and at second-hand from him.† Finally, we do believe the truth of that anecdote, that the Bishop, " after a debate

* *Ex. gr.* Burnet tells not a very credible story of his *earliest* interviews with Charles II. He says the King read in his presence part of the Memoirs of the Hamiltons in MS.—was much pleased with them, and more with the author; and, further, that, " in a long private audience, that lasted above an hour, I took all the freedom with him that I thought became my profession." Burnet goes on to tell very minutely what the King said to him, and what he said to the King, and describes a scene in which never King was bearded by a bolder subject. Then follows the description of another private scene with the Duke of York, whom he also lectures most severely.

† *Ex. gr.* The cock-and-bull story (said to have been derived from Burnet's conversation at a dinner party) of Charles I. having ordered the secret execution of Loudon, when in the Tower for the letter to the King of France, and how Hamilton saved him. See this story adopted by Mr Brodie, Vol. ii. p. 515—and well sifted and exposed by Mr D'Israeli in his Commentaries, Vol. iv. p. 359.

in the House of Lords, usually went home, and altered every body's character as they had pleased or displeased him that day,"—and that he kept weaving in secret, till he died, this chronicle of his times, not to enlighten posterity, or for the cause of truth, but as a means of indulging in safety his own interested or malicious feelings towards the individuals that pleased or offended him. So much for Bishop Burnet, whose authority must henceforth always be received *cum nota*.

It was a *Scotch faction* that, in the seventeenth century, when paving the way to such enormities as the murders of Charles I. and Montrose, had wielded the destinies and decided the fate of England. The savage contempt for royal authority, the arts of popular agitation, the spirit of persecution, that instantly sprung up to clear the path for democracy, these characteristics of the tumults and insurrection of Scotland in the years 1637, 1638, and 1639, all extended to England, where the puritanical faction were ready to adopt the lessons, and eager to profit by the active co-operation of instructors they otherwise despised. Clothed with the language of loyalty and patriotism, and advancing under cover of "Religion and Liberties," the determined besiegers of monarchical government, worked up from Scotland to the throne itself. "We declare before God and man," said the impious contrivers of the Covenant, "we declare before God and man, that we have no intention nor desire to attempt any thing that may turn to the dishonour of God, or to the *diminution* of the King's greatness and authority" *—and forthwith the very fanatic who framed that sentence appears in England

* The Covenant of 1638.

as the prime minister of the Covenant, collecting round the devoted monarch the toils of the great Rebellion—scenting, not afar off, his blood in the blood of Strafford, and howling like a savage, for the rewards that were to satiate the malice and the avarice of Scotland.* The blood of Strafford and of Laud, the Genevean banner planted in England, the murder of the King, the domination of a usurper, were the fruits of the COVENANT.

Yet how mean is the origin of that revolutionary faction in Scotland, and how fallacious those views of it that represent its leaders in bright relief, of holy and patriotic zeal, against the tyrannical enormities of the monarch! Let us examine the seeds from which the Scottish commotions sprung into that revolution which has been called "our second and glorious Reformation in 1638, when this church was again settled upon her *own base*, and the rights she claimed from the time of the Reformation were restored, so that she became fair as the moon, clear as the sun, and terrible as an army with banners."† Was Charles I. really an oppressor amid religiously and patriotically disposed chiefs of Scotland? Must we indeed concede to the Historiographer for Scotland that the monarch was worthy of the death he died?‡ And will we discover, in the impenetrable mists of faction that surrounded his throne

* Archibald Johnston, of whom anon.

† *Wodrow's Introduction*, p. 2. This historian of the Church of Scotland adds, somewhat in the style of the Rev. Robert Baillie's contradictory eulogies,—"it is hard to manage a full cup, and I shall not take upon me to defend every step in that happy period."—That task was reserved for Mr Brodie, who has fearlessly fulfilled it.

‡ "We differ from Mr Brodie (says the *Edinburgh Review* of March 1834,) as to many of the measures of the Parliament during the war—as to the *necessity of the King's death*, and the merits of the commonwealth and the long Parliament."

from the first moment of his reign, and the abandoned treachery that dogged his person through life, no excuse for the worst steps of his policy in the government of Scotland?

"King James being dead (says Lord Napier) and his son King Charles succeeding to him in his kingdom, and to his virtues too,—although with some want of experience, which is only got with time, all the turbulent and discontented humours of the former time were up, as is usual in these great transitions, and plied his Majesty incessantly with accusations, personal assertions, new projects, and informations of abuses. And truly there wanted not matter, and their endeavours had deserved praise, if *spleen to the persons of men*, and their own *private interest*, had not given life and motion to their proceedings, rather than the service of the King and the good of the state. Then was there nothing but *factions*, and factious consultations, of the one, to hold that place and power they possessed before,—of the other, to wrest it out of their hands, and to invest themselves; and no dream or phantasy of innovation came in any body's head, but presently he durst vent it to the King; and still the most ignorant were boldest. Neither wanted there some honest and wise men who gave their advice out of mere affection to his Majesty and the public; but wanting that bold forwardness, and factious assistance, which the other had in prosecuting of their private ends, no great hold was taken of them."*

Charles, not yet crowned King of Scotland, received sundry mysterious hints, that, if he did not conduct

* Lord Napier's MS. Relation. See Note at the end of the volume, for an account of this nobleman's connexion with the court.

himself in a manner that seemed fully to recognize the *Independency* of his ancient kingdom, the crown might be bestowed somewhere else; and most anxious was Charles to avoid the imputation of intending to "reduce Scotland to a province." Thus the affairs of that country became to him a separate burden of a difficult and irksome nature. For his privy-council of England were not suffered to be cognisant of the affairs of the other kingdom, which the King managed, through the reports of his privy-council there, with the aid (if aid it could be called) of his Scotch favourites, or such of the council as he summoned from Scotland for special consultation. Indeed at this time there appeared to be no connexion or sympathy betwixt the kingdoms. The English nation, we are informed by Clarendon, knew and cared less about Scotland than they did about Poland or Germany;—"no man ever inquired what was doing in Scotland, nor had that kingdom a place or mention in one page of any Gazette." But it was not the privilege of Charles to be able to forget his ancient independent kingdom; and certainly his attention to the affairs of Scotland was kept alive in a manner most disagreeable to himself, and most discreditable to his native country. Lord Napier, a Privy-councillor, and Treasurer-Depute, under the Earl of Mar, who held the white staff, mentions in his Relation, that Mar was not free from that storm of faction, the great object of which was to wrest place and power from each other, "but was charged home by his enemies with some abuses, in the King's presence, which they were not well able to make appear; therefore, there was a gentleman directed to me, desiring me to give them intelligence upon what points my Lord might be charged; with assurance from them that it should never

be known; and before I should declare any thing in that kind, I should have assurance, from the King's own mouth, and my Lord of Buckingham, of the white staff! This I flatly refused, as an office unworthy of a gentleman, and told him that I disdained any honour that should be acquired by so dishonourable means against a man that was in terms of outward friendship with me, although I knew he had no friendly intentions towards me; but I was evil requited, and it may be because this motion made to me, and my refusal, came never to his ears." The nobleman who could make such a reply in those days was much too honest to be suffered to hold a place in the King's affections, or a seat in Scottish councils; and, accordingly, strenuous exertions were made to ruin Lord Napier, who had offended in other respects. "Of the commission of the tithes (he says) I had the honour to be one, and according to my duty and power did advance his Majesty's just and gracious purpose. This, and my integrity in the King's father's time, together with the title of Lord, his Majesty's first favour in that kind to a Scottish man, and a lease of Orkney bestowed upon me, did so much offend the chief statesmen, who were the greatest teind-masters also, and, by *a great incongruity*,* members of this commission, that in their *private meetings* they concluded my overthrow; whereof I got private intelligence, but did no whit swerve from my duty for that. They set on Mr David Fullarton, a Receiver, a young man of little wit, to disperse calumnies against me in the court, to try how they would be received or seconded; whom I brought before

* From Charles himself we learn that it was with the view of reconciling all parties, in his benevolent design, that he did not omit the Lords of the erections, and laick patrons, in the commission of surrenders. —*Large Declaration.*

the King, in presence of the Lords of Exchequer, and whose answers were so poor, and excuses so frivolous, as made even those present, who set him on, to be ashamed."

The absence of every principle of honour and honesty, among the leading Scotch factionists who beset the King, is further illustrated by the following very curious scene, and by-play of Scottish councils in England, which cannot be given more graphically than in Lord Napier's own words: "Sir Alexander Strachan and some others, his partners, (of whom the Secretary* was one, for nothing passed whereon *he* was not a sharer, and then nothing was so hurtful to the King or country which was not delivered under the title of *good service,*) had projected to the King great profit to arise out of the wards of marriage and nonentries, which, being most pernicious to his majesty and the best of his subjects, I mainly opposed here in Scotland, and with much ado got the passing of it delayed (so strongly had they made their party in our exchequer) till it should be debated before the King, who had sent for all his officiars to court, to have their opinion concerning the business of the tithes. These and such like matters increased their spleen against me, who still upon all oc-

* This was Sir William Alexander of Menstrie, created Earl of Stirling by Charles I., and celebrated both as a poet and a courtier. "He travelled through Italy and France with his Lord superior the Earl of Argyle, where he attained to the French and Italian tongues. He got great things from his Majesty, as especially a liberty to create a hundred Scotsmen knights-baronet, (of Nova Scotia,) from every one of whom he got L. 200 Sterling, or thereby; a liberty to coin base money, far under the value of the weight of copper, which brought great prejudice to the kingdom; at which time he built his great lodging in Stirling, and put on the gate thereof *Per mare, per terras,* which a merry man changed, *per metre, per turners,* meaning that he had attained to his estate by poesy and that gift of base money."—*Scot of Scotstarvet's Manuscript, Advocates' Library.*

casions continued my wonted freedom to give advice without respect of any thing else but the public good. The most part of my enemies being present at court, fell a consulting, and plotting my overthrow, which from this time forth they so eagerly prosecuted, that they forgot conscience, honour, their own qualities, and the places they possessed. And this way they went to work. They made Sir Alexander Strachan waken his project for the wards, and procure from the King a hearing of the exchequer, knowing well that I would oppose it, to incense him (Strachan) against me, and to move him to be my accuser upon their former information; a man, as much as I, hated by them, especially by the chancellor,* whom he had accused the year before of bribery, to his face before the King, which he pressed so hard upon him, that, to save his reputation and his place, James Douglas, deputy-secretary,—a man religious and honest, but too, too simple, who hardly could be induced to take the ordinary benefit of his place,—was persuaded to take the fault upon him, and thereby lost his place. Sir Alexander perceiving their drift and spleen against me, made his advantage of it, promising, if he might have a commission to bring in concealments and omissions of the treasury, (which he afterwards got to his great profit,) he should have matter enough against me, and would charge me. When the exchequer met, I opposed Sir Alexander's project for the wards, and found no resistance, but excusing himself, that he thought it was for the good of the King and benefit of his subjects, and if it were found not so, he would willingly relinquish his suit, but said withal (according to the plot) that the King's profit was neglected by the officiars, and that he would give twenty thousand

* Kinnoul, of whom afterwards.

pounds for the omissions of the treasury, if he might have commission to bring them in; as indeed there was something in that kind through no fault of mine. I answered, that there were some omissions, which was not altogether my Lord treasurer's fault or mine, but partly theirs who served before us, and that we intended to bring them in; neither was there such perfection among men to omit nothing; and for my part, I would not only not oppose him, but be a means to move the King to grant him commission, and accept the condition; but that he had not done amiss to have informed the officiars of these concealments, who would have had a care to see his pains recompensed; whereas now this offer of his was of the nature of an accusation and imputation to us. Those who were of the party, fearing that I would hold him to his word, and engage him, brought him off with this motion, that he should have the commission, and of what should be thereby brought in, the King to have the one-half, and Sir Alexander the other; to which they all assented but myself, (who now began to smell the drift of it,) and the Bishop of Ross,* whose opinion was, that the officiars should bring in these omissions, and Sir Alexander be considered for the discovery. The report was made to the King, by the chancellor and secretary, that Sir Alexander's project of the wards was disallowed, but that he had undertaken to bring into his Majesty's great profit out of concealments, an excellent piece of service, and that none of the number was against it but I, for my own ends. The commission was drawn up in

* Patrick Lindsay, Bishop of Ross from 1613 to 1633, when he was translated to the Archiepiscopal see of Glasgow. He fell a victim to covenanting] persecution, and died in 1644, under the *excommunication* of the kirk.

great haste, and signed, and was to be sent down to Scotland to be subscribed by the treasurer, and past the seals, whereof they were assured since it tended to my hurt. How soon I understood the same, I told his Majesty that the commission was sending away, and I had never seen it, that ofttimes specious pretexts were made for his benefit, and nothing intended but the gain of the projectors. Whereupon the King called to him Mr Mauld, commanding the secretary by him to let me peruse the commission before it went, which Mr Mauld did, but for all that I could never come to see it. But a meeting being for the tithes before the King, they brought in mention of that commission. The chancellor said, it was a great piece of service, and the gentleman had deserved well. I answered, that will be best known after the performance; for me, I thought it might prove so too, but that I thought fit that the word *concealments* might be defined and explained; for the King's tenants in some ill years were not able to pay (it may be) at the precise time, yet the chamberlains would bring them in at another time when the tenants were able. If these, or of the like nature which were known and in charge in exchequer, were called concealments or omissions, the King should lose the half of that rent, and give fees unnecessarily for that part of his rent to chamberlains and stewards. 'But, Sir,' said I, 'whatever is in that commission is unknown to me, for I never yet saw it, not-the-less of your Majesty's command.' At which the King was angry, and looked sternly upon the secretary. But the chancellor,—whose manner was to interrupt all men, when he was disposed to speak, and the King too,—did fall upon aggravating these omissions so far that the Marquis of Hamilton said,—

HAMILTON. "My Lord, how can there be such neglect as you speak of, since I know they had almost put my mother * to the horn for forty shillings Scots?

"Whereat the King smiled, and, rising up, said to Sir Alexander Strachan,—

THE KING. "You have said to me that there are many omissions and faults, and that you will do me good service. You shall have the commission, but, if you be not as good as your word, I shall find a fault somewhere.

"All this while my Lord Erskine, † the treasurer's son, stood by mute, as if the matter had no way concerned his father, for the chancellor had blocked up his mouth, by a promise that not his father, but I only should be charged with these omissions, and that he should be free from any such imputation; which he performed, saying he was a nobleman now in age, and could not take care of the King's affairs, nor his own, but all was my fault, excusing him so, to his disadvantage, from particular omission, by disabling him of the care of all. When we came from the King, the chancellor told Sir William Balfour‡ how much he had been

* His mother, a daughter of the Earl of Glencairn, was the celebrated leader of the female church-militant of Scotland, who commenced the tumults against the Service Book.

† John Lord Erskine, afterwards eighth Earl of Mar. When this was written Lord Napier knew not the interesting ties that were to unite the families. Lady Elizabeth Erskine, daughter of this Earl, became the wife of Napier's eldest son, who was the nephew of Montrose, and his dearest companion in arms,—and this lady it was for whom the heart of Montrose was stolen (from under the gibbet where his trunk was buried,) that she might preserve it embalmed.

‡ The same, probably, upon whom Charles conferred the Lieutenancy of the Tower. "Sir William Balfour took an early part with the Parliament, zealously rendered the captivity of Strafford inexorably severe, and resisted the most considerable bribe ever offered to a governor to connive at the escape of a state prisoner. Having thus manifested himself to be worthy of the confidence of the party, he became one of their ablest commanders, when he had the satisfaction of encountering his royal master in arms."—*D'Israeli.*

my friend, although I had moved the King to take Orkney from him to get a lease of it myself. I desired Sir William to tell him that he had exprest himself my enemy, and that I knew nothing of Orkney till he told it me himself. And withall tell him (said I) that I was never so ill a servant to my master, as to advise him to give thirteen thousand pounds Sterling for renouncing his grant of Orkney, for the which he would gladly have taken five thousand pounds Sterling, as they can tell whom he employed to procure it.

" After this my persecutors changed their mind, and thinking it fit that my name should be to the commission, who opposed it, to make it the more effectual against myself, the secretary delivered me a command from the King to subscribe it. To which I replyed, that is contrary to the commission of exchequer, which ordains us to subscribe all signatours judicially, but if he would say before witnesses that his majesty commanded me to subscribe it in particular, I would obey; but the next day he brought me a warrant under the King's hand to subscribe. I finding that my opposition had drawn upon me no small suspicion of fear and guiltiness, having received this warrant, did subscribe cheerfully and willingly, defying Sir Alexander and all the world to charge me with any fault or malversation in my office, in presence of the Bishop of Ross, Sir Alexander himself, and divers others. This confidence and alacrity did make the chancellor fear that the commission would not work the effect against me that he wished; and then he began to peruse it more seriously, and finding that himself might come within the compass of it, being a collector of taxation, did delay his subscription, finding some faults and informalities in it, and being further pressed, did pretend the gout in *his*

hand, which was in *his feet*, not subscribing twenty days after me, till the Earl of Nithisdale, Sir Alexander's friend and none of his, told his Majesty that the chancellor only did hinder the service himself had so much commended in his presence. He then subscribed it. But Sir Alexander could not have way for it through the seals till he gave assurance to the chancellor and treasurer, to meddle with nothing whereinto *they had interest*. When it was past the seals they pressed him to accuse me. He told them he had made diligent search of the registers, and could find no matter; if any of them would inform him against me, and set their hands to the information, he would accuse me as he promised: otherwise to misinform the King without a warrant, and succumb in the probation, he thought it neither the part of a wise nor honest man. They being disappointed of the pleasure they conceived, to see the one of us ruin the other, whom they equally hated, were so far incensed against him, that at a convention of the estates, which was shortly thereafter, they stirred up some of the estates to complain upon him for purchasing a commission to execute penal statutes, and made him so odious that he was forced to give it over; yet, by the help of his good friends, he got good satisfaction from his Majesty."

Lord Napier records another curious anecdote of the dishonesty of Scotch factionists, and of the effrontery with which they harassed and deceived the King. "His Majesty (he says)—being possessed that the lease of Orkney was given to me upon trust, not only to pay the whole rent to the King, but also all benefit that should accress to me as taksman,—while I was at court, had given command to one (*whom*, I do not know, nor could ever learn, although I used *extraordinary impor-*

tunity with the King for that purpose,) to repare to me, and will me, in his Majesty's name, to surrender the lease of Orkney to the King. The party *never came to me*, nor *told any body else* that he had such commission from his Majesty to me. But after I had kissed his Majesty's hand, and taken horse for Scotland, he framed this answer to the King, *as from me*, that I would stand out in law against his Majesty, and that in justice the King could not take the lease from me. How soon I knew the cause of his Majesty's displeasure against me, I sent a power to Sir William Balfour to make the surrender, to whom the King expressed his anger against me in great measure. When I came up I found his countenance altered, and therefore desired the Marquis of Hamilton to procure me access and hearing, which for a long time he could not obtain, because (said the King) 'he will not surrender his lease of Orkney to me.' But the Marquis affirmed that I was come up for that purpose, which the King would not believe, so strongly was he possessed of the contrary, and would not admit me till I surrendered. Whereupon the secretary was commanded to draw up a surrender. But he, loath that that way should be made open to me to recover the King's favour, excusing himself, alleged the surrender must be legal, and drawn up by the King's Advocate, who sent up one which he knew I would never agree to, for by it I was only to surrender 7000 marks, payable to me by my subtaxsman, and remain obliged to pay yearly 45,000 marks to Nithisdale, to whom the King had given the duty of Orkney. This by all men was thought so unreasonable, that the secretary was forced to draw up a total surrender, as well of the duty, as of that the subtaxsman was to pay me, and that (in express terms) for all

times to come, to which I put to my hand. This 7000 marks was given to Annandale,* who, not content therewith, *foisted into his grant* a term's duty of the same before my surrender. Then did they begin their calumnies afresh, without regard of truth or honour! And to countenance the matter the better, the Lord Treasurer was sent for by them, (a man of great age, and lame of his leg, and went upon crutches,) assuring him that they had prepared the King so, and given him such impressions of me, that there needed no more but his presence to turn me out. Mar was not slow to undertake such a journey to that end, and in the midst of his journey got so shrewd a fall, that for many days he was not able to stir; yet at last went forward, so implacable and malicious he was of nature. In the meantime all the terrors of the world were given me,—that the King would send me home to be tried where my enemies were to be my judges,—that I should not only want my fees, pension, and place, but the King's favour, and my own honour also,—and, as a delinquent and criminal, be warded in the Castle of Edinburgh, and deeply fined! Neither did they stick to lay this imputation on the King's justice, that the King was resolved to dispossess me of that place, and a fault must be found, though there were none, to *excuse the King* in that point. Upon no condition could I be induced to hear so much as an offer, till my reputation were cleansed from all their foul aspersions." Napier adds, that Sir James Baillie left no means untried to obtain the place of treasurer-depute, and made interest with Lord Loudon, (here characterized as " my friend, a wise

* Sir John Murray, of the bed-chamber of James VI., by whom he was created Viscount of Annand, and Lord Murray of Lochmaben, and afterwards Earl of Annandale. He died in 1640.

and honest man,")* and Mr John Hay, to speak to Napier on the subject. 'I (says the latter) spoke thus to Mr John: 'I have served the King's father and himself long, yet to serve him against his will, I will not. Let Sir James use his friends to move the King to tell me that it is his will to be served by another, then I will treat,'—but, I thought in my mind, *never with him.* 'The King,' says Mr John, 'will never do that.' 'Then,' replied I, 'do you think it fit for me to give the King *his leave*, as we say, before he give me mine? I know not where to find so good a master;' and not being able to indure any longer the ambition of so base a fellow, I desired Mr John to tell him, that I was a better friend to him, than he took me to be, in *not* treating with him, for if he were in that place he could not hold up his hands, and would be hanged it may be within a year."

Hearing that the old Earl of Mar was on his way to court, Napier determined to come to an explanation with the King himself, and having obtained an audience, "told his Majesty how unjustly I was dealt withal in Scotland; that I, who was to pay other men their fees and pensions, could get none of my own, which, I said, was very strange, if it were not by his Majesty's command or allowance; which his Majesty disclaimed with an oath." The following characteristic dialogue then occurred.

NAPIER. "Sir, your Majesty has been hardly possessed of me, a long time, by sinister information, and I am not conscious to myself of so much as a thought other than becomes a faithful servant.

* The same who became Chancellor of Scotland when Argyle was disappointed in the scramble for offices in 1641. It may be doubted if Lord Napier would have given him so good a character, had the above been written after the Rebellion had commenced.

THE KING. "No? Did not you refuse to surrender your lease of Orkney to one who had commission from me to demand it to my use?

NAPIER. "Truly, Sir, never man demanded it of me, neither did I know that such was your pleasure till I heard in Scotland of your Majesty's anger for my refusing.

THE KING. "Did not you say to him that you would stand out in law against me, which is also under your hand?

NAPIER. "Do me the favour, Sir, to let me know to whom your Majesty gave that commission, and confront us before you, and I doubt not to make him confess that he has abused your Majesty with an untruth; and if any such thing can be shown under my hand, I will not only give the hand, but the head also to be stricken off.

"Then did I press *with importunity* to know this fine commissioner; but His Majesty by no means would do it.

THE KING. "It is enough, I am satisfied, and do not believe it.

"Then did I tell His Majesty what storm was prepared against me at my Lord of Mar's upcoming, that I desired no more but impartial hearing, and protection if my cause were honest, which he graciously promised, and thereupon gave me a kiss of his hand.

"Some two or three days after my Lord of Mar's arriving at court, they altogether, and singly when they had opportunity, vexed the King with their calumnies, urging him to send me home to be judged, a point which they laboured by all means,* so that the King, for his

* This we shall find was also at all times a great object of the covenanting faction, namely, that the King should put those whom they accused into their merciless hands in Scotland.

own quiet, was, I may say, forced to send Sir Archibald Acheson, the other secretary, to me, (for my Lord Stirling excused himself upon the hate I carried to him,) to tell me that there were many informations against me, therefore desired to know whether I would stand to my justification, or submit myself to him. I answered that I was much bound to his Majesty, and would myself give his Majesty my answer, and, I doubted not, satisfaction. Which Sir Archibald having reported, I put myself in the King's way the next day when he was going from dinner. He beckoned to me, and I followed him into his bed-chamber, and being alone with him,—

NAPIER. "Sir, I have received your pleasure by Sir Archibald Acheson, and humbly thank your Majesty for having given me a choice to stand to my justification, or submit myself to your Majesty. I will not, Sir, absolutely justify myself before God, nor before you. Your Majesty might have had a servant of more eminent abilities, but never a faithfuller nor more diligent, nor better affected. And as for submitting myself to your Majesty, if my life or estate were in question, I could lay them both down at your feet; but this is my honour, (dearer to me than both,) which loses by submitting, and cannot be repaired by your Majesty, nor any King in the world.

"The words at first seeming sharp and brusk, he mused a little, then burst out with these,—

THE KING. "By God, my Lord, you have reason.

"And withal he told me some of their informations.

NAPIER. "Sir, their hate against me is for no cause given by me, and to most of them I have done real courtesies, but because I will not comply with them, nor give way to their desires, to your Majesty's prejudice.

and your subjects, and for your Majesty's service and my undertakings in it. But, Sir, I desire no more but the most rigorous and exact trial that can be desired, so it be just, and *your Majesty my judge*, and that I be not remitted to Scotland, where my enemies are to be my judges, and where, if I were as innocent as Jesus Christ, I should be condemned. For the more exact the trial be, the more shall my faithfulness and integrity appear to your Majesty; and I will not only answer for my own actions, but if wife, friend, or servant (who, by corrupt officiars, usually are set out to be bawds to their bribery) have done wrong, I am content it be imputed to me. If I had cozened your Majesty, and oppressed your people, and then made some men sharers in the prey, your majesty had not been troubled now, nor I thus persecuted, but had been delivered to your Majesty for a good and faithful servant.

" Then his Majesty promised that he would hear all himself, which was a point I desired much to gain, and did serve me afterwards to good purpose.

NAPIER. " Then, Sir, be pleased to make these informers set down their informations in writing, and set their hands to it, and within three hours after I shall either give a punctual and satisfactory answer, or otherways your Majesty may dispose of me at your pleasure.

" His Majesty was pleased with the course, and I took my leave. Immediately thereafter the Earl of Mar and the whole troop of my adversaries (who were waiting in the Earl's chamber till I should come from the King,) expected a surrender of place and all to the King, because of the word *satisfaction* that I used to Sir Archibald Acheson. As they came down stairs slowly, because of my Lord's lameness, * one said, this is like the

* Of this John seventh Earl of Mar, Scotstarvet says,—" His chief de-

Lord Napier, who is going down by degrees. Another, as they were going through the court, told his friend that asked, that they were all going to give the Lord Napier *the last stroke.* In this insulting humour they came to the King, who told them that I affirmed all their informations to be calumnies, and that I would stand to my justification, and commanded them to set down their accusations and informations in writing under their hand, and to deliver the same to me to be answered. This, falling out far beyond their expectation, astonished them a little, especially the Earl of Mar, who fell down upon his knees with his crutches, and, with tears, intreated the King to free him of my trouble, and that he could not serve with me, thus stirring pity to cause injustice. * To whom the King said,—

light was in hunting, and he procured, by acts of Parliament, that none should hunt within divers miles of the King's house; yet often that which is most pleasant to a man is his overthrow; for walking in his own hall, a dog cast him off his feet and lamed his leg, of which he died; and at his burial a hare having run through the company, his special chamberlain, Alexander Stirling, fell off his horse, and broke his neck."

* Among the manuscripts of the Advocates' Library, I find an original letter from this same Earl of Mar to James VI. in which he expresses the following opinion of the nobleman against whom he was now combining;—"MOST GRACIOUS SOVEREIGN, I received your Majesty's letter of the 21st of October, shewing that ye have made choice of Sir Archibald Napier to be treasurer-depute of this kingdom, with the motives moving your Majesty to take this course. Since your Majesty hath so resolved, I shall in all humility obey your direction. As for the gentleman, he is known to be both judicious and honest, and, *as your Majesty writes in your own letter, free of partiality or any factious humour,* and I, with all my heart, do wish that all your Majesty's subjects were as free of these two faults as I hope time shall make known to your majesty that both he and I are; in which respects your Majesty *hath made a good choice.* For myself, my care and pains shall be nothing the less in furthering of your Majesty's service, in all things incident to that place which your Majesty hath honoured me with; and beseeching Almighty God to bless your Majesty with many happy days, I rest your Majesty's most humble subject and servitor,— "MAR."

"*Holyrood House, the 24th of November* 1622."

THE KING. "My Lord, I would do you any favour, but I cannot *do injustice for you.*

"For the space of eight days after, I was free of their persuit, so long as the King remained in Hampton Court, for the command to set down in writing under their hands did much amaze them. But every day they had their meetings and consultations how to overthrow me, and being ignorant of the King's promise to hear all himself, all their endeavours tended to get me remitted to Scotland, and *then* they were sure of their desire. His Majesty, having removed to Theoball's, asked the secretary if the informations in writing were delivered to me, and commanded it to be done instantly. This put them in some fear that the Lord of Traquair* and his friends had procured this, (who was one expecting the place if I should have been put out of it, and a man of another faction than Menteith and the secretary,) and, therefore, by the Earl of Carrick they most earnestly dealt with me afresh to treat with Sir James Baillie, adding great promises, but with the like success as before. The secretary then sent me the informations, inclosed within a letter of his own to me, shewing that it was his Majesty's pleasure that I should send the answers to him to be delivered by him to the King: but I would not do so. When I opened the articles of accusation I found no hand at them, but written on a little piece of paper, so near the end thereof as not one letter could be written more, of purpose that, if the King should urge them to set to their hands upon a sudden, they might gain sometime, in writing them over, to consult upon the matter. I presently drew up the answers, and on the morrow I told his Majesty

* The same who was afterwards treasurer, and fell a victim to covenanting persecution.

that I had received these articles, and that there was no hand at them.

THE KING. "That is all one; you know the matter now, and may answer it.

NAPIER. "Sir, there is no judicature, civil nor criminal, can be established without these necessary members, a judge, a pursuer, and a defender. True it is in Scotland, in the factious times, men were called in without knowing either crime or pursuer, which they called *super inquirendis*, but that barbarous and unjust custom was abolished, by your Majesty's father, by an express act of Parliament yet standing in force. I hope your Majesty will not introduce it again, and make me the precedent of it.

THE KING. "If it be so, they *must* set to their hands, and *shall* set to their hands.

NAPIER. "Upon my allegiance, Sir, it is so. But I believe they will never do it, not for fear of me, but, knowing in their consciences that they are mere forged calumnies, they know they shall succumb in the probation, and then they fear your just displeasure. Beside, Sir, they think your Majesty will not deny me place to recriminate them, after I am cleared myself, and then they know they cannot come fair off. But, Sir, do me the favour to press them to subscribe the articles, and if they refuse, yet, for your Majesty's satisfaction, I shall answer punctually, and deliver the answers into your own hand.

"The King was well pleased, and indeed pressed them to subscribe. But they having met, and each of them putting the accusation upon another, and Sir James Baillie objecting their promise to accuse me, to some of greatest place for onerous causes, no man of all that great number, great nor small, was found that durst set to their hand. Such force hath truth!"

Napier, however, put in writing an articulate reply to each charge, and after explaining in the most satisfactory manner every circumstance upon which a calumny could possibly be founded, thus concludes,—"Neither hath there any thing been done by me but that for which I have your Majesty's warrant, your father's, the council's warrant, or that which by the duty of my place I ought to do. My humble suit, therefore, is, that your majesty will be pleased to judge of these things by *your own wisdom and justice, to which, only, I appeal;* or otherwise to free me of these calumnies by your majesty's declaration of my honest and faithful behaviour, as your Majesty hath already done by your gracious letter to the exchequer, that I may be the better encouraged to do you service." This defence he presented to Charles, and the result is curiously characteristic of the times and the actors. "My enemies," says Lord Napier, "refusing to subscribe the informations given by themselves, both by word and writ, to his Majesty, gave me a great deal of advantage in the King's and all other men's opinion. Yet ceased they not still to persecute me. So bold were they in their accusations because no man was punished for any calumny, or the worse liked, out of a bad impression given to the King that, if he punished any such, he should not *get knowledge of the estate of his affairs,* no man daring to do it unless they were able to prove it clearly, which, although true, could not always be done. My adversaries, being ignorant of his majesty's promise to hear all himself, and being oft refused, when they desired him to remit my trial to Scotland, without knowing the cause, drew up a letter commanding me to be tried before the Council of Scotland, *which letter they foisted in among other letters, and stole the King's hand*

to it, whereof I came to the knowledge after this manner: Sir James Baillie, who had tried many ways to make me transact with him, and all in vain, did try this too. He said to Alexander Auchmowty, (my friend,) 'I am sorry for the Lord Napier's wilfulness, and more sorry that I should have had any hand against him, which my Lord of Mar induced me to do, for now he is now all utterly undone; he is to be sent home to Scotland, to be tried by his enemies, and if he doubt of this, I shall let him see the King's letter with his hand at it to that purpose.' Alexander stopt there, and I held my peace. 'But (said Alexander,) Sir James says, if you will be content to deal with him, he will undertake, by the help of Menteith and the secretary, that you shall come fair off with honour and profit.' Having discovered Sir James's meaning, I bitterly refused dealing with him. Yet did I not slight the advertisement, and, after enquiry, found that there was such a letter past the King's hand, and to be sent down to meet me in Scotland, whither I was going. Then was I much moved, and waited upon an opportunity to tell the King, which they perceiving were *much affrayed*, and sent Sir Alexander Strachan to accommodate the matter, who promised in their names that that letter should be riven in my presence, if I would *be quiet for that time*, and another (because I was going home) of my own penning should be signed by the King, whereof I was content, knowing by experience *how bold these men were with the King, and how little he resented it.** Then Sir Alexander delivered me the letter to be riven,

* This unfortunate nature of the King's, which rendered him totally unable to cope with the turbulent and dishonest spirits of his age, and whereby his enemies triumphed, his friends were sacrificed, and himself destroyed, we will find most fatally exemplified in 1641, when Montrose and Napier were in prison for their attempt to save his prerogatives.

but because I saw the King's hand, I refused to rive it, and he did it. And because I would not seem to avoid trial, I drew my letter thus: 'Whereas divers informations have been made to us against the Lord Napier, it is our pleasure that you receive any thing concerning them that shall be given in to you, and thereafter send up the Lord Napier, together with his accusers, to us, to receive our determination, and that this letter be registered; in the meantime, the Lord Napier to enjoy his fees, pensions, and full exercise of his place.' My enemies speeding no better at court, gave out that whatever warrant I gave out should not be answered, as indeed I found by proof: I asked my arears,—I could have no part of them, the treasurer had forbidden the receivers to pay me; I asked an account of their debursing the King's money in my absence,—that was denied me, and all the use of the King's favourable letter was this, that it was registered not without difficulty, notwithstanding the King's command. Then the chancellor asked for the articles of accusation, as if he had never seen them, which being produced he commanded to be put in the public register, (without any warrant from the King or council, and would not by any means register my answers to them,) there to remain for a dishonour and a stain to me, my house and posterity, to after ages who should not know that they were shamefully disavowed by the informers themselves, nor [that they were] answered by me,—an act of superlative malice! I made an offer of the account of the fines received by me,—they would not hear it, nor yet give me out instruments of my offer when I asked them, which the clerk durst not give out according to my words, but framed in such terms as they set down to him.

"At this time Annandale came to Scotland, and brought with him a letter from the King to the exche-

quer, commanding me, upon a wrong narrative, to pay him a term of the duty which William Dick was to pay me, and which was due to me long before my surrender, and most unjustly inserted into Annandale's gift, (although his Majesty had accepted my surrender for the time to come,) without any mention of what was due to me before it. And in case I refused to pay that term, warrant was given to the King's Advocate* to pursue me for all I had received from my subtaxsman during my lease and before my surrender. But the sense of this letter was extremely perplext and intricate, as all letters of the secretary's penning are, *of purpose* to leave open a way to the other party paying as well for it, to get another in his [the other party's] favours, to which the former might be reconciled, in his construction, without contradiction, and to provide himself of a defence, if they should come to be examined or compared before the King, which in clear words were not feasible; and indeed the council was in nothing so much troubled, as in finding out the King's mind in his letters,† (which ought to be clear, and admit of no constructions but one,) and some causes have been debated, where parties have vied the King's letters, as in a play they use to do, one against the other. But leaving digression upon this subject,—which, for *bribery at both hands, concussion of the people, and abusing of the King, no age can parallel,*—I, finding that by this letter they had made the King my party, would not stand in judgment against him, but, how soon I was summoned, I offered to that term's duty of 7000 marks to Annandale, and made also a judicial of-

* The celebrated Sir Thomas Hope of Craighall.

† This method, too, of deceiving the King, enters deeply into the history of his ruin.

fer of it before the exchequer, and did give direction and a discharge to William Dick to pay it to Annandale. The offer was refused, and the discharge sent back by William Dick, who now had left me, and had correspondence with them. They would not suffer Annandale to take it, but would needs go on with pursuit against me for all I had received before my surrender, which they ought to have done (by the King's letter,) only in case of my refusal to pay the term in question. The King's Advocate—a base follower of greatness, and maliciously eloquent—pursued me hard, alleging the lease was given me in trust, to bring in improvement to the King, and that I had confessed it; and he took out my answers to their informations, to prove his alledgeance, and read these words,—'I never denied it, for I took it on condition,'—and there most unfaithfully would have staid, but I made him read out all, to his shame,* whereby the few indifferent Lords that were, did detest his dishonest dealings. I was forced to answer for myself, for, by no means, could I procure an advocate to be admitted to plead for me, although by our law it is not denied in any case, even in treason, to any. So long as he kept off the point of law I answered sufficiently; but when he came to dispute in law, I would not answer, but would be absent, against a professed lawyer. Whereupon at

* The clause in Lord Napier's answers, alluded to, is as follows: "It is alleged that the lease was entrusted to me,—I never denied it, for I took it upon condition to surrender when, and upon what terms, your majesty should be pleased, and that then the improvement might come into the exchequer. But that I should advance great sums of money, and be liable to the yearly payment of 45,000 marks, (enough to have undone my estate, if one evil year had come, or if my subtaxsman had bankerouted,) without all hope of advantage or recompense,—I will never conceive to be your majesty's mind, in which nothing can harbour contrary to justice and equity," &c.

last, [they] being ashamed to do otherwise, I got leave for Mr Lewis Stewart to plead for me, who performed his part so well, as closed the Advocate's mouth from uttering law or reason, but never from breathing out idle words. So the Lords seeing nothing could be done to my prejudice, did refer all to the King, and would not absolve me as they ought. Shortly after, the Earl of Mar, finding that I could not be removed, made a privy transaction for his own place with the Earl of Morton, without the knowledge of those who assisted him in the pursuit against me, whereby he became disabled to work their ends. Who therefore were much displeased with him, especially Menteith, with whom, as he alleged, he (Mar) had handsomely equivocated, promising that he should pay to him a precept of L. 5000 Sterling before Pasche, if he were treasurer, before which time he had resolved to quit the place. This gave occasion that Menteith and I entered on some better terms of correspondence, but had still his variable and inconstant humour in suspicions. This friendship was confirmed by Sir Richard Graham of Eske, who made us interchange promises of friendship, assuring us that on whose part the breach should be, he would bear witness against him. One particular promise he desired of me, that I should not transact with Traquair, for my place, without his privity, as Mar had done with Morton. For Traquair dealt fairly with me, and if my honour had not been in question I would have concluded with him.* I answered that I would transact with no man, unless his Majesty expressed his pleasure to be so. There was nothing I

* Lord Traquair got the place, and from that was promoted to be high treasurer, in which office we will again discover him enduring a worse persecution, from the covenanting faction, than Napier had suffered. Of this nobleman Napier entertained a good opinion, as appears from various passages in his manuscripts.

more desired in my secretest thoughts than to be fairly rid of that place, long before my trouble, for after my wife died, (a woman religious, chaste, and beautiful, and my chief joy in this world,)* I had no pleasure to remain in Scotland, having had experience of the chief of [the Lords of] Council and Session,† and of their manners, to which I could never fashion myself, and considering the place I held could never be profitable to a man that had resolved fair and honourable dealing."

That the King's Advocate could countenance secret meetings for organizing sedition,—that the gentlemen of the King's bed-chamber were capable of picking his Majesty's pockets, in order to make themselves master of his private correspondence,—that the nobleman whom Charles trusted above all others was constantly betraying him to his enemies,—these, and other mysterious anecdotes of the rise and progress of the covenanting faction, do not appear so incredible after reading what we have extracted from Lord Napier's manuscripts, and still less so when we find, by the following, how very low Scottish noblemen could stoop, in falsehood and treachery, to attain their private ends.

"At court, Morton, Roxburgh, and the secretary made up a faction and agreement, wherein the Earl of Menteith and the chancellor were comprised, whereby they, who had wont to cross other, should now serve others turns, and monopolize to themselves the King's favour, to his and his subjects' heavy detriment, nobody

* There is an original picture by Jameson, of Lady Margaret Graham, in possession of the present Lord Napier. The date upon it is 1626, consequently she must have died betwixt that year and 1630, the year of the transactions to which Lord Napier refers in the passages quoted above.

† Napier had been a privy-councillor since 1615; in 1623, he was Justice-Clerk, and an Ordinary Lord of Session; in 1626, an Extraordinary Lord of Session.

being then to oppose their proceedings but myself; for Nithisdale was discarded (after the death of my Lord of Buckingham, whose near cousin he had married,) by means of his religion (averse from that professed by the state) and the greatness of his debt. Therefore they thought it now more necessary than before, that I should be removed, whom they thought to be of such invincible integrity, as they were never able to make me comply with them in their intended courses. This plot being ripe, Menteith was sent for by the secretary, but he had before so much employed his friends in cautionary that now they began to fail him, neither was his own name of any credit with moneyed men. Having no other means, he intreated me to take up 6000 marks for him, which I did in my own name, and took his bond of repayment. He went to his journey, and promised that, if he took any course with them, I should be comprised within the agreement, (adding many oaths, whereof he was never sparing,) whereof I was most unwilling, as being contrary to my ends, who lay in wait for a fair occasion to leave the place, yet seemed to be well content, to make proof of him. When he came to Court, the first article of agreement was proposed that by all means I should be removed [from my place] which he undertook I should leave to Traquair upon most easy terms, (for Baillie's nose was out of joint, my Lord of Mar being no more treasurer,) which they thought feasible in respect of the new friendship betwixt us. To effectuate which, and thereby to endear himself to the new faction, he told the King that I was desirous to give over the office; and, I believe, told the King also (for to all the Court he did) that he had commission and power from me to that effect, which was most false. To the which the King gave way, as being my own desire, and

then was moved to make a promise of it to Traquair, by this new faction of which he was one. And Menteith coming to Scotland, a letter was purchased from the King, after the *usual obscure style*, whereby he would have made me believe that it was the King's pleasure that I should give way to Traquair, and, to that purpose, that I should transact with Menteith, although the letter in my understanding contained no such matter, but was his Majesty's answer to a suit of mine, wherein his Majesty wrote that he had imparted his pleasure, concerning my desire, to the Earl of Menteith. This letter was kept up long, of purpose, till the new treasurer, Morton, should come home, who was upon his journey; but Menteith would have had me take his word upon it. But I desiring nothing more (although I pretended the contrary) than that the King would have expressed his desire to be that I should leave the place, (for then with honour, profit, and the King's good will, I might treat with them,) made Menteith this answer, that the letter contained no such thing as he gave out, and that I would not treat with him, nor no man else, till from his Majesty's own mouth his pleasure were delivered to me to that effect. At this answer he was extremely moved, and being immoderately earnest with me afterwards, and, nevertheless, not being able to effectuate any thing whereof he had made so large promises to them at Court, gave them advertisement, and they dealt earnestly with the King. For this combination had now undertaken the whole government here,* under the King, and great hopes given, and great promises made of excellent service, only, they told the King, that his service would be still hindered by *my*

* *i. e.* Of Scotland.

opposition, and at last won him to think it expedient that I should remove.

"About this time (1630) the treasurer Morton came from Court, and finding that I was not to be dealt with, the chancellor, Menteith, and he, to make me loath the service, (which in my secretest thoughts I did long ago,) undertook a business no way honourable for them, and which hereafter might prove dangerous if any of them should happen to fall from the King's favour. There was, after the death of King James, a commission of Exchequer sent down by his Majesty now reigning, under his hand (for by the death of his father all former commissions expired) and left undated, to those who were of the former; the manner of which commission is this: The King signs a commission in paper, which thereafter is ingrossed in parchment, translated in Latin, and the King's Great Seal appended to it, and the paper under the King's hand is kept for a warrant to the Great Seal. This commission in paper under the King's hand being sent down, and being defective, or at least the King's Advocate would have it to seem so, because it was not drawn up by him, was not passed the seals, but kept by him, the chancellor, or secretary, and another sent up of the Advocate's penning, which being sent down again signed by the King, was passed the seals, which was the warrant of all the Exchequer's proceedings six years after. The old unpassed signature of commission they took, and where these words 'treasurer or treasurer-depute' occurred, (as they did very often through the body of the signature) they made Mr William Chamber, in a chamber of Holyroodhouse, put a mark betwixt treasurer and treasurer-depute, before 'or,' and in the margin write these words 'in his absence,' so that it was to be read 'treasurer,

or, in his absence, treasurer-depute,' and the word in the margin about five or six several times subscribed by Morton and Menteith. Besides, they inserted the date, 'White-hall, 28th June, 1630,' with new black ink, where all the rest was worn whitish, and it was torn in the foldings, which ocular inspection bewrayed the antiquity and falsehood of the same. So by this commission I was to do nothing, (directly contrary to my patent, and the purpose of the institution of that office) the treasurer being present. About twelve o'clock I got intelligence that there was a new commission brought down by the treasurer, Morton, and was at the seals. I presently went to the director of the Chancery's chamber,* who showed it to me, and said he marvelled much how the chancellor durst append the Great Seal upon such a warrant. I viewed it as well as I could in so short a space. At two o'clock thereafter, the Exchequer convened, where, before the chancellor, lay this signature of commission, and the double in parchment in Latin, with the Great Seal thereat, together with two letters of the King's. We being all set, the chancellor gave the signature in paper to the clerk to be read, and the double in Latin with the seal, in parchment, to the King's Advocate to be collationed. The clerk had much ado to read it, it was so worn, being now made use of *six years* after it was signed by the King. But I, seeing two of the King's letters unbroken up, took no exceptions at the signature, (suspecting that they did contain something to supply the defects and informality of the signature,) till the letters were read, which contained nothing of that purpose. Then I rose up and said,—

* Sir John Scot of Scotstarvet, whose curious though malicious manuscript, entitled the "The Staggering State of the Scots Statesmen," is preserved in the Advocates' Library.

NAPIER. "My Lords, this is a strange signature, and such as I never saw—(and was going on, my Lord Morton interrupted me, and rose from his place in a great anger, saying,)

MORTON. "The first day that I have the honour to sit here, and carry this white staff, I must hear my honour called in question impertinently.

NAPIER. "My Lord, I do not call your honour in question pertinently nor impertinently, neither is it my custom towards any, although some men have done so to me.

CHANCELLOR. "By God, but you have. *

("When I spoke before the Lords in Sergeant Walthew's business my words were, that that business was reported to the King, by men ill affected to me, *except one honest man, Sir James Fullarton*; the chancellor would conclude, against himself and the secretary, that I said *they* were *not honest*, by consequence which gave him occasion to answer me so bruskly as this time.)

NAPIER. "But my Lord, give me leave to answer my Lord Morton first, and then you when you please.

* We shall have to notice presently an anecdote of this gouty old nobleman's choler directed against the King himself. Before the above scene, Napier having obtained an order from the King, upon the chancellor, to see certain accounts for furnishing to his Majesty, standing betwixt Napier and Walthew, called in and cancelled,—"the sergeant produced the contracts, and the chancellor would fain have picked something out of them to my disadvantage. Then said I, I acquainted the King (as indeed I did, and his Majesty remembered it,) with the manner and matter of this bargain. To which Sir James Baillie replied, that the King *knew it not* till it was questioned; and I not being able to contain myself, said, that it was not like his bargains, and [that of] his accomplices, in the King's service. At which the chancellor was so furiously mad, (for it touched him,) that forgetting himself, and me too, he commanded me out of his chamber, which I would not do; the chamber was none of his, but a borrowed one, and within the King's house, whether I went by the King's command."—*Lord Napier's MS.*

My Lord, (turning towards Morton,) your Lordship is very hot with me, but be assured there is nothing done amiss which concerns either the King's service, or me in my particular, that I will stand in awe of any man to question.

MORTON. "This was done by the King's direction, and we will answer it.

MENTEITH. "My Lord Napier, you are so passionate in your own particular, that you will not forbear to question what the King commanded! For his Majesty *stood by while it was done,* and we will answer it.

NAPIER. "If it had been the King's direction, why would you not bestow upon him a clean sheet of paper, and ingrossed these marginal notes of yours in the body of the signature, rather than made use of this old torn thing? Then needed not the signature, with the King's hand at it, receive validity from yours upon the margin.

"But he, that never was ashamed to do or say any thing, still affirmed that his Majesty stood by till he saw them subscribe, and that it was his direction!

NAPIER. "My Lord, I marvel that you are not ashamed to say so. Let the Lords look the date with a blacker ink than the rest, 'at White-hall the 28th of June, 1630;'—*then you were there,* you say, with the King? Your Lordship has ridden fast, for *you were here, and presided in council, the 29th of June* 1630, to verify which, I desire that the clerk of Council's book of sederunt may be produced, and, my Lord Morton, *your Lordship set out of London before him.*

"Menteith, being convinced of a manifest untruth in presence of all the Lords, was so confounded and surprised with it, that he made this answer, nothing to the purpose,—

MENTEITH. " My Lord, I brought not the signature home.

" All this while the Lords were silent, hung down their heads, and were ashamed on their behalf, and even the chancellor himself sat mute. When the signatures came to be compounded, my Lord Morton used me kindly and familiarly, asked my opinion concerning the composition and nature of the signatures, so that it was by all clearly perceived that he repented himself, and was ashamed of the business, whereunto, by all appearance, he was induced by the other two, for in his own nature he is noble and generous. I asked the Lords if I should subscribe the signatures, (of purpose to set before their eyes the inconvenience of this stained commission,) ' for the Lord-Treasurer is present, and, by this fine commission, I am only to serve *in his absence.*' Then said the Chancellor, ' you ought to subscribe with the rest.' At this time there was a warrant presented of 5000 pounds Sterling to my Lord Morton. ' Then (said I,) my Lords, what shall be done with this. My Lord Morton cannot set his hand to his own business, and I cannot, because *he is present,* and without one of our hands it is not receivable in chequer?' To which I had no answer. ' But (said I,) if my hand can serve the Earl of Morton, he shall have it with all my heart, for no man will grudge at any thing the King bestows on him.' Perceiving then that this device was not like to take effect, they began themselves to find fault with the commission, as defective. These passages being related to the King, (for Kings have long ears,) he disliked these proceedings, as I am informed, extremely. Yet such was the hopes of the great service this combination was to do, (which to this hour did nothing but to his heavy predjudice, and their

own profit,) that he was content to take no notice of it.

" I resolved then to go to court, and, some days before I went, Menteith sent up his man, Mr Henry Drummond, with a letter, drawn up by himself and the secretary, and sent up to the secretary's son, who waited there in absence of his father, who was in Scotland, the contents whereof were to stay me by the way, or to command me to return again into Scotland. This letter was to be signed by the King, and Mr Henry was to meet me upon the way, and to deliver it to me. I rode on my own horses to Berwick, and purposed to send them back, and take post there, where the postmaster told me, (having asked who rode last,) that Mr Henry was gone up post, and told him he was to ride night and day, and was very shortly to come back. Upon which I conjectured that he was sent up to procure my stay or return, (as indeed he was,) upon some misinformation. Therefore, to prevent their purpose, I changed mine, and upon my own horses rode on the western way, where no post lyeth.

" The secretary's son having presented this letter for my stay, for the King's hand, *his majesty threw it away, saying, this man hath suffered enough already ;* and in place thereof made him write another to me, most gracious and favourable, which he signed. This letter was given to Mr Hary Drummond to be given to me, but *he gave it to his master*, (who then was on his journey,) with the copy thereof sent down by the secretary's son, which *by no means I could ever come to the sight of*, although I got knowledge of the tenor afterwards. How soon I came to Court I had speech with his Majesty concerning these businesses, who said, that he could not but acknowledge my good service, my honesty, and integrity, but that he was informed that the prin-

cipal officiars and I could not agree, whereby his service was hindered. Then desired I his Majesty to try whose fault it was,—theirs, who went about matters prejudicial to him and the country, or mine, who opposed them out of duty to God, and to him. But not daring to insist further in this point, fearing lest the King should have resolved to continue me in that service, which was contrary to my desire, took the opportunity,—' Then, Sir, since they have made your Majesty think that I hinder your service, I will not be refractory to your Majesty's desires; but your Majesty is a just King, and cannot take that place from me but by consent, or for a crime, and as for a crime, if your Majesty be not satisfied with what is past, I will refuse no further trial, how exact soever, being just, and *your Majesty judge*.' * Then the King, having used many favourable words acknowledging my faithful service, willed me to speak with Menteith, who, he said, was my kinsman. ' Truly, Sir, (said I) he is my kinsman, but was never my friend, and certainly, he and I shall never agree.'—' Then,' replied the King smiling, ' he will take it for a disgrace if he be not the doer of it.'—' Then (said I) I shall talk with him.' " †

* Mr Brodie has written voluminously on the subject of Charles I, without, seemingly, having formed a just idea of him as a King or a man. It is truly preposterous to attempt to persuade the world that Charles was a monster of despotic cruelty,—capable, for instance, of issuing an order for the private execution without trial, (*i. e.* murder) of a nobleman in prison. We shall find that Lord Napier, and indeed every one accused, and conscious of innocence, felt perfectly safe *if the King was permitted to be the judge.*

† The result was, that Traquair was at first joined with Napier as joint treasurer-depute, " without fee or pension, of which he was glad, or seemed so, and took a kiss of the King's hand upon it. Menteith and the secretary (Stirling) did exceedingly please themselves with this device, and did every where proclaim it, arrogating so much to their own judgment and dexterity as was hateful to every wise man. And indeed they were in nature not unlike in this, that no living man was ever more

It was amid such an atmosphere of petty but distracting factions, that Charles the First passed the short period of his reign which, at the time, was the admiration and envy of Europe for its apparent prosperity and repose. Even the few pages of secret history we have quoted, besides affording some instructive views of the characters of Scotch councillors and courtiers, suggest reflections not unfavourable to the King. The scenes are during those few years immediately preceding the revolt of Scotland, when, says Clarendon, "Britain enjoyed the greatest calm and the fullest measure of felicity that any people in any age for so long time together have been blessed with." But we see how small was

vain-glorious than they both, but different in the expressing of that humour. For the secretary was a gross and downright flatterer of himself, and drew all discourses from their proper subject *to his own praise.* Menteith did the same, but, *as he thought,* more subtily, but indeed so ridiculously as gave matter of mirth to all those to whom it was related."—*Lord Napier's MS.* These portraits are worthy of the pen of Clarendon; indeed, had Napier survived the troubles, and completed his history, he would have been the Scottish Clarendon. His kinsman Menteith, whom he brought to such shame, was a very conspicuous person. Before 1628 he was invested with the offices of justice-general of Scotland, president of the privy-council, and an extraordinary Lord of Session. He was William Graham seventh Earl of Menteith, and lineally descended from Robert II., to whose eldest son by Euphemia Ross, David Earl of Strathern, Menteith was served heir, which service was ratified by the royal patent, 31st July 1631, authorizing him to assume the title of Earl of Strathern and Menteith. At this time it was supposed that Euphemia Ross was the *first* wife of Robert II. (and not Elizabeth More, subsequently ascertained to have been so,) and the pretension to the crown of Scotland, involved in this service, was suggested to Charles, especially by Drummond of Hawthornden, as *dangerous* to his crown. Scotstarvet says, that when Menteith renounced his claim to the Crown he did so under reservation of his right of blood, and boasted that he had *the reddest blood in Scotland.* Accordingly his titles were all set aside in 1633, and he deprived of his offices and confined for a time to his own isle of Menteith. But when divested of his other titles, the Earldom of Airth was conferred upon him. It was his eldest son, Lord Kilpont, who was so basely murdered in Montrose's camp, immediately after the battle of Tippermuir, by Stewart of Ardvoirlich.

the share, enjoyed by the monarch, of that national ease for promoting which he has obtained the eulogy of the great Clarendon, though Mr Hallam will not admit that it was merited. * With domestic virtues, and private accomplishments, infinitely superior to the age in which he suffered, we find this truly Christian King,—in the single item of settling claims and disputes among those leading Scotsmen to whom he looked for assistance in the government of Scotland,—deceived, harassed, cheated, insulted and chafed, at the very time to which Mr Hallam alludes when he says, "we may acknowledge without hesitation that the kingdom had grown during this period into remarkable prosperity and affluence." But if the King's own dispositions created none of this happiness, (the position Mr Hallam maintains against Clarendon,) neither, alas! was it for the King to share. We suspect after all, that such contemporary observers as Lord Clarendon in English affairs, and Lord Napier in Scotch, are safer guides to our estimate of the quality of the times, and the character of the King, than either Mr Hallam or Mr Brodie. "This preceding Relation," Lord Napier says, "being written in haste, and imperfect, many passages being omitted, for brevity's sake, which might have shown the iniquity of these times,† is nevertheless most true. And thereby the judicious may perceive the former settled manner of government shaken by frequent innovations in-

* See Hallam's Constitutional History of England, chap. viii.

† These omissions are much to be regretted. Had the Relation of Lord Napier comprehended all the history of "the iniquity of these times," and had he also exposed the iniquity of the times immediately succeeding the period of his Relation, (as, indeed, we are informed by Wishart, that he actually did, in a "most elaborate discourse of the origin of the turmoils in Great Britain,") such a history would have been a most valuable addition to that of Clarendon, who was but ill informed in Scotch affairs.

tertained and practised, factions in Court and state a-foot, accusations, calumnies, and aspersions ordinary, and, which was worse, combinations, and hopes given thereby of great service to the King, without any performance, but, by the contrary, his Majesty's just and gracious inclination abused by misinformations, his ears blocked up and so straightly beleagured that *truth could not approach them*,—and all for their own profit and prejudice of the King and State,—the presence of honest men, who could not comply with them in their oblique courses, so hateful that they could not endure it, and so bold, in consideration of the strength of their leagues, that they did not stick to *falsify the King's hand*, surreptitiously to *steal his majesty's superscriptions*, and to frame letters *contrary to his meaning*, and *many other things of this kind*."* So much for Charles's enjoyment of the *repose* of this pastoral period of his reign. In illustration of his share of its *affluence*, let us cull another story from Lord Napier's manuscript.

"His Majesty intended a journey into Scotland, but no money being in his coffers there, Chancellor Hay made offer of ten thousand pounds Sterling, for his Majesty's entertainment during the time of his abode there, upon condition he might have the collection of the taxation, at which he ever aimed most earnestly for the hid profit that was therein, especially the extraordinary, an imposition of his own invention. This galled Menteith, Nithisdale, and that faction, who left no means unattempted to cross the same. But it was still entertained, no other appearing to offer a better expedient. They dealt earnestly with me to make offer of money, and

* Sir Philip Warwick (p. 146,) also alludes to this method of deceiving the King, during the correspondence betwixt his Majesty and the Marquis of Hamilton, when with his fleet in the Frith of Forth, in 1639.

promised to concur for the levying, alledging the treasurer's indignity, and mine, if another should do that which belonged to our place. Little did their speeches move me, (who knew their ends,) and their promises less, assuring myself that, whoever advanced the money, the treasurer and I were to see it spent, and to order the entertainment; and, esteeming the chancellor's advancing of money no greater indignity to us than if it were done by a merchant, I never stirred till I understood, elsewhere, that the chancellor had sent to Scotland for Sir James Baillie, and that their purpose was, the one by advancing the money, the other by making provisions, to thrust my Lord Treasurer and me out of all employment; and, considering the avarice of the one and the ambition of the other, I was confident of my intelligence. Then suffered I myself to be persuaded by Menteith and Nithisdale, and the rest, and made offer to his Majesty of so much as should serve him during his abode in Scotland, telling that I did believe the Lord Treasurer would do the like, without other condition than assurance of repayment, leaving the rest to his Majesty's good pleasure. He took my offer in very good part, commanding me to repair to him, within two days, for answer, which I did. Then he told me he would employ all the statesmen (of whom I was one) to take up the money, giving them assurance upon his rents and taxations. I did much commend his Majesty's purpose, and was glad of it, for thereby I was freed from the hazard of advancement of so great a sum, and the rights of our place not in the course to be impaired. To this effect his Majesty sent letters to the officiars of estate who were in Scotland. This delay, together with the advice of the Lords, English and Scottish, did put off

his journey till the next spring.* He went a progress, and I took my leave for Scotland. But, while his Majesty was at Beaulie the answer of his letter came up, not only refusing his desire, but advising him to call a convention, and impose (I use their very words) a taxation: and, if his Majesty would need have them levy money, they thought it reasonable that every man having warrants, fees, or pensions out of the exchequer, (who, indeed, for the most part are poor, and have no other means to live) should bind with them for the money. At which his Majesty was much offended, as he had good reason, and *did suspect that they had no mind to see him there.* At this time Archibald Campbell being at Court was told of the letter by the secretary, who asked him where I was, and if I would yet undertake to furnish the King money for his journey. He answered that I was still in London, and was assured that I would do any thing I was able for the King's service.† This being reported to the King, Archibald Campbell was presently dispatched away with a letter to me. When I came, his Majesty told me that he received a most shameful refusal, and asked me what I would do for him. Nothing, Sir, (said I) less than I am able, and, if my friends who are to engage themselves for me shall see a sure way of relief, if ye want *money* ye shall blame me, but I will desire your Majesty to give commission to your officiars to order your *enter-*

* This was the memorable coronation visit to Scotland, which, after many delays, the King effected in 1633. It was only less fatal to him than the next visit in 1641, when, in spite, as we shall find, of the zealous exertions of Montrose and Napier to save him, his Majesty was virtually dethroned in Scotland.

† Archibald Campbell was a brother of Sir James Campbell of Lawers. He figures during the troubles as the confidential agent of the sinister Argyle.

tainment, and if things be not orderly done, let your Majesty blame them, for I cannot take that upon me."

After narrating his arrangements to carry this plan into effect, Lord Napier proceeds, "I went about the furnishing of such things as could not be conveniently had in Scotland, specially the banquetting stuff, for which I agreed with Robert Walthew, sergeant of the King's confectionary, at ordinary rates, for ready money, (not daring to trust any other with that which was for the King's own mouth,) and, at Archibald Campbell's desire did offer the employment under me to Sir James Baillie, of whom, because I shall have often occasion to name him, I shall once for all give his character. He was basely born, and had his education under a butcher, *—the height of his *ability* was to be clerk of a kitchen,—extremely ambitious,—and, to attain his ends, would give largely of that which he had got indirectly. This man did refuse it, (knowing, by long experience, that hardly should he make unlawful benefit where I was to look to him,) pretending disability, and a desire to retire from public services; whereby I conjectured that he had some wicked purposes, as indeed he had, for within two days after he went to Scotland, possessed the Lord-Treasurer that I went about to take his place from him, and, perceiving the officiars of estate to be so offended with me (for daring to undertake what they had refused,) that they resolved not to give way to any warrant I should bring down, conceived hopes that by their means I might be displaced, and himself succeed."

* Napier mentions that Baillie had been the bosom friend of the last treasurer-depute, Sir Gideon Murray, under whom he was a receiver, and most unfairly tried to oust his patron, that he might get the place, as he now tried by Lord Napier. He was treasurer of the navy, and, from Napier's account, a very dishonest man.

In consequence of this mean intriguing of the Scotch factionists,—not for the "good of the state," but out of "spleen to the persons of men, and their own private interest,"—this scheme, to assist the King with money for his long projected visit to Scotland, was frustrated, and the royal warrants which Lord Napier brought to Scotland were actually refused to be received. "Upon which," says he, "I resolved to go up to show his Majesty what rubs his service had got in my person, that his service might not be disappointed, but that he might remove them, or take some other course in due time." On his journey, however, Napier was encountered at "Cobbrandspath," by Roxburgh, Archibald Campbell, and Sir James Baillie, who persuaded him to pause eight days on the road, until they should communicate with the Earl of Mar, with a view of accommodating matters. Then they brought the draught of letter to the King, for Napier to sign, so worded as to imply a voluntary resignation by him, in favour of Mar, of the employment for which Napier had obtained the royal warrant to himself. "This (says he) not giving satisfaction, they persuaded me to go to Tuninghame to the Earl of Haddington, * who undoubtedly would find a temper of

* This was the celebrated Thomas Hamilton of Priestfield, (a younger branch of Hamilton of Innerwick,) who was Lord Advocate in 1596, and President of the Court of Session in 1616, having been previously raised to the peerage by the title of Lord Binning and Byres. In 1619, he was created Earl of Melrose, and some years afterwards Earl of Haddington. Upon one occasion, when presiding in the Court of Session "in an improbation of a writ, which the Lords were convinced was forged, but puzzled for want of clear proof, Lord Binning taking up the writ in his hand, and holding it betwixt him and the light, discovered the forgery by the stamp of the paper, the first paper of such a stamp being posterior to the date of the writ quarrelled. At another time a Highland witness in a cause, who had been hard put to it by his Lordship's interrogatories, meeting another Highlander who came to depone in favour of the same party, advised him to beware of the man with the partridge eye."—*Preface to Forbes's Collection of Decisions.* Among Sir

mind to please us both. Where when I came he went about to persuade me to expunge these words, 'my name jointly with his,' as of no importance; but I understood the importance of them, and their intentions too, for certainly if any such letter had been sent by me, they would have used it as an argument of my unworthiness of that employment, who had so basely given it over." The result of this petty faction was, that both the Earl of Mar and Lord Napier were driven to resign their respective offices, before the King came to Scotland to be crowned.

Throughout all the scenes which Lord Napier thus privately recorded, (with no view to a defence or eulogy of the King, not yet embarked on the great sea of his troubles,) we look in vain for that *Tyrant* whom Mr Brodie has so laboriously imagined, and of whom he says,—"had this misguided prince even confined himself to the illegal and wicked device of extorting money from the subject, his conduct would have been less exposed to censure in civil matters than it necessarily was; but his arbitrary and his capricious system of government reached departments where he seems to have intruded for the purpose only of proving the plenitude of his power; the hackney-coaches in London offended his eye, and therefore he imposed severe regulations upon them, and restricted their number."* We pity the historian who has more sympathy for hackney-coaches than for

James Balfour's manuscripts, in the Advocates' Library, there is an epitaph upon this Earl, which we give in modern orthography.—

Here lies a Lord, who, while he stood,
Had matchless been, had he been——
This epitaph's a syllable short,
And ye may add a syllable to it,
But what that syllable doth import;
My defunct Lord could never do it.

* History of the British Empire, ii. 279.

Charles I., and who, in his fatiguing endeavours to prove that monarch a monster, enriches a history of the British Empire with such facts and exclamations as,—"What will the reader think of a proclamation prohibiting the use of snaffles, and commanding that of bits?" * Let it be our humbler but happier task to call attention to this trait of Charles, that when, for a factious purpose, the old Earl of Mar "fell down upon his knees with his crutches, and with tears intreated the King—thus stirring pity to cause injustice—the King said, 'My Lord, I would do you any favour, but I cannot do injustice for you;'—and that when a dominant faction, upon whom his Majesty felt entirely dependent in the government of Scotland, presented, for his signature, a tyrannical letter against a faithful servant whose only power was his integrity, "his Majesty threw it away, saying, 'this man has suffered enough already.'"

But the subject of these noble expressions was not insensible to a weakness in the character of Charles, which was at the root of all that monarch's misfortunes. Mr D'Israeli quotes from the Sloane manuscripts a remark of St John, that "the truth is, the King had an unhappiness in adhering to, and unweariedly pursuing, the advices of others, and mistrusting his own, though often-times more safe and better than those of other persons." Clarendon also says, "he had an excellent understanding, but was not confident of it, which made him often-times change his own opinion for a worse, and follow the advice of men that did not judge so well as himself." These opinions were recorded after the scenes of the great Rebellion had passed away. Lord Napier must have been a close and philosophical observer of the times, and of the King, to have

* Vol. ii. p. 280.

noted down, with a spirit of prophecy, reflections to the very same effect before those scenes had commenced. That Charles, though after the death of Buckingham he assumed the reigns of government, never shook off his early habits of dependency,—that he placed a fatal reliance on the probity of certain Scotchmen about his person, who yet were so faithless as to steal his correspondence and turn it against himself,—that he was ever a slave to favouritism, so that the first false steps of his inexperienced government, the "unseasonable, unskilful, and precipitated dissolutions"* of his sour and ungenerous parliaments, were to screen his favourites from popular pursuit,—that his pious and patriotic intentions with regard to the church and state of Scotland turned to his ruin, from a too implicit reliance upon the rash policy of Laud,—all these circumstances are mournfully commented upon by Clarendon, as having been instrumental in the wreck of empire that statesmen lived to deplore. But before the name of Covenanter was applied, or the Covenant imagined, Lord Napier had, in these dispositions of the King, detected the sources of future evil. Among the fragments of reflections in his own handwriting, which time has spared, I find the following.

"*A short discourse upon some incongruities in matters of estate.*

"1. That churchmen have competency, is agreeable to the law of God and man. But to invest them into great estates, and principal offices of the state, is neither convenient for the church, for the King, nor for the state.† Not for the church, for the indiscrete zeal, and

* Clarendon.

† Unfortunately Laud entertained sentiments diametrically opposed to the above, which it is interesting to compare with a well known pas-

excessive donations of princes were the first causes of corruption in the Roman church, the taste whereof did so inflame the avarice and ambition of the successors, that they have raised themselves above all secular and sovereign power, and to maintain the same have obtended to the world certain devices of their own for matters of faith. Not to Kings, nor states, for histories witness what troubles have been raised to Kings, what tragedies among subjects, in all places where churchmen were great. Our reformed churches having reduced religion to the ancient primitive truth and simplicity, ought to beware that corruption enter not in their church at the same gate, which already is open with store of attendant thereat to welcome it with pomp and ceremony.

"2. Tutors and counsellors to young princes, next under God, have the fate of after-times in their hands. For according as the first impressions and maxims of government, wherewith these new vessels are seasoned, be solid and true, or subtile and false, so prove the times happy or miserable.

"3. To know men, their abilities, dispositions, and affections, is the proper art of princes, their most profitable study, the abridgement of all good government. For, there being no public business which falleth not

sage of Clarendon's, written at a later period. Laud "did really believe that nothing more contributed to the benefit and advancement of the church, than the promotion of churchmen to places of the greatest honour, and offices of the highest trust. This opinion, and the prosecution of it (though his integrity was unquestionable, and his zeal as great for the good and honour of the state as for the advancement and security of the church,) was the *unhappy foundation of his own ruin, and of the prejudice towards, malice against, and almost destruction of the church.*" —Hist. Vol. i. p. 152.—The date of Lord Napier's MS. is probably soon after the coronation visit to Scotland, and when Charles imprudently raised so many churchmen to his councils, and invested Archbishop Spotiswood with the seals of that kingdom.

within the compass of some office or employment, by this knowledge, though there were no other, the prince shall be able to furnish all offices with able and honest men, who doing the duty in their several spheres and employments necessarily concludeth a happy government of the whole. Such men are rich prizes, and the most precious jewels of the crown; to take them upon hazard is a lottery, and recommendation is factious; election *upon knowledge* is the best, and next to that is the common report and reputation, for, *nemo unquam omnes fefellit, neminem omnes fefellere.* *

" 4. *Absolute and implicit trust* in whatever they do or deliver, without further inquiry, like blind obedience, neither religion nor wisdom doth allow; for *ipse dixit* is a premiss necessarily inferring truth in God alone,—it emboldeneth men to deceive,—it maketh the servant great and the master contemptible,—*indicium regis non magni, magni liberti,*†—for a prince, like a good horseman and pilot, should *never let the reins and rudder out of his hand.*

" 5. Kings are the formal warrant of justice betwixt subjects; much more are they obliged to [be just] ‡ in their own deed. To countenance bad causes is most dishonourable to them; of sovereigns they debase themselves to be parties, vilifying thereby the princely authority; thereby, it may be, they get the love of the one, the dislike of the other,—a bad exchange, for *injuries are written in marble, benefits in dust.* Besides, all men find themselves interest in justice; the stoping the course thereof, or perverting it, grieves every

* No man ever contrived to deceive all the world, just as all the world never deceived any man.

† The Kings who magnify their slaves, forge for themselves a chain,
And bloated minions near the throne bespeak a sickly reign.

‡ The words within brackets are here supplied conjecturally, the manuscript being torn.

heart; wicked are those who move them to it,—like Dalila they cut their hair when they are asleep, and rob them of the subjects love, wherein their strength consisteth.

" 6. To govern well, good counsel and sure information are requisite; *this* is the ground of *that*, for no good advice can be given if the estate of the matter be mistaken. Of the two, *true information* is the most necessary for the affairs of remote kingdoms; for those businesses which require deep advice are managed there where the person of the prince resideth; seldom do great matters occur in remote places, and where they do, the nature of the thing alloweth time of deliberation, (for great bodies have slow motions;) there, if matters go in the ordinary way, all is well; but, without true information, a prince can neither order things, command, sign, nor direct anything aright.

" 7. This is good for the King, ill for the people, good for the people, ill for the King, and contrarily, are incongruities in speech, impossibilities in nature, and cannot be instanced; they divide things indivisible, and separate what God has conjoined, and have wrought bad opinions in the minds of princes and their subjects in some parts of the world; they are false though frequent, and are the eruptions and sallies from the minds of those evil spirits who walk betwixt a King and his people. For a King and his people make up one politic body, whereof the King is the head. In a politic as in a natural body what is good or ill for one is so for both, neither can the one subsist without the other, but must go to ruin with the other.

" 8. Princes' letters and laws ought to be clear and perspicuous, without equivocal or perplexed sense, admitting no construction but one. For an obscure law alleged in any cause, gives occasion of more process,

more dispute, and delay, than the cause itself; and an obscure letter makes the party, in whose favour it is conceived, to come up and require an explanation by a second, and his adversary to purchase a contrary one, (which may be done, where there is double sense and obscurity, without danger, the interpretation being allowed to the contriver, or at least may serve him for excuse, as being his *error* not his *avarice*,* which cannot be where words run in a clear and genuine sense,) whereby the prince * * * * * * * * *† and they extremely damnified.

" 9. Wise princes love rich subjects; for seditious commotions, nor insurrections, do seldom or ever proceed from men who find themselves well in their private estates;‡ but they who are pressed with necessity at home are glad of any occasion or pretext to trouble the public quiet, and to fish in troubled waters to better their fortunes. Pernicious, therefore, is that advice to keep subjects low and poor the better to govern them.

" 10. To protect faithful servants is a generous and princely part; and [to protect] the guilty, too, against the pursuit of another that is powerful, may perchance seem to maintain a prince's prerogative; but then he

* See this explained in a passage of Lord Napier's Relation, *ante* p. 45. The value of the advice was verified in the sequel. In each fresh impulse given to the democratic movement, the covenanting faction excused themselves, as a certain class of writers yet attempt to excuse them, upon some double sense alleged to be detected in the King's concessions.

† Manuscript torn.

‡ The needy Rothes was the father of the Covenant. He was bought off by the prospect of a place and a rich marriage at court. The first great result of the Covenant was, as we shall find, the scramble among its leaders for offices torn from the King's prerogative in 1641; and its subsequent progress was simply the securing by Revolution, what had been so lawlessly acquired by insurrection. Hardly one generous feeling, one Christian impulse, or one legitimate act belongs to the real history of the Covenant.

ought to be punished by [the prince] himself. So shall justice be satisfied, the honour of the King's service, and his prerogative remain inviolated.

"Those councils (with the like of that kind,) wherein the prince's good is pretended, the private ends of these bad councillors only intended, hath been the efficient causes of the ruin of kings, kingdoms and estates,—which Almighty God can only remead. And therefore, let all good subjects who love their prince and country pray with Solomon, LORD REMOVE THE WICKED* from the King, and his throne shall be established in righteousness."

Such were the reflections, on the prospects of King and country, noted in the privacy of his closet, and ere the great Rebellion had commenced, by one who may be said to have reared that "bloody murtherer and excommunicated traitor" Montrose, and whom we shall presently discover sharing and approving every step of his calumniated pupil's career, from his early and mistaken support of the Covenant, to his raising the royal banner in Scotland. Had Napier, like Clarendon, lived to know the fate of Charles, and to trace his history back from its bloody close through all the mazes of faction and faithlessness that destroyed him, he would have needed not to depart from or alter a single sentence of his painful meditations. There is a melancholy interest in redeeming from its lurking place of many generations, so prophetic a manuscript, on such a subject, to contrast it with the volumes that have been published since, and especially with the too perfect fulfilment as recorded in the

* These words are written emphatically in large letters in the manuscript.

pages of Clarendon. Those who love to linger over that exciting period of our history, when they read this additional record, will call to mind how Charles I. was surrounded by "servants of the Scottish nation, who, he thought, could never fail him, and among these no man had such an ascendant over him, by the humblest insinuations, as Duke Hamilton had." * They will remember, too, the mysterious stories against this unfathomable Hamilton,—how he enchained the King's affections as if by magic,—how he deceived Montrose, and exiled him from the King's presence and affections, —how he betrayed Huntly, and then betrayed his master to the faction that sold him to his murderers. And they will remember how the King trusted "little Will Murray of the bed-chamber," who picked his pockets of his letters, and whispered in his startled ear foul calumnies, about Montrose and assassination! In the progress of our illustrations of Montrose and his times, we shall have to unravel or elucidate some of these mysterious double dealings, and to show how much of his fate, and that of his unhappy sovereign, is involved in the fact, that it was not the will of the Almighty to remove the wicked from the King.

Among these melancholy fragments of Lord Napier's prophetic views of his times, I find another very interesting paper, all in his own handwriting, which appears to have been addressed to the King himself, a few years before his progress to be crowned in Scotland. Whether it was actually sent to his Majesty, or, if sent, ever suffered to reach him, and how far the scheme proposed was practicable, there is now no means of knowing. But it will be seen from the tenor of it how intensely the writer had felt on the subject of

* Clarendon.

the fatal effect of those mists of ignorance and "mistakings," as to the affairs of Scotland, in which the King was continually enveloped, by those who, for the sake of petty and private interests, so treacherously practised upon the facilities of his disposition.

"*Offers of useful service to your Majesty, some few propositions being first premised whereby the use of that service may be better known.*

"That the state of business is oftimes disguised to princes, for private ends.

"That the truth of business is hardly to be expected from the relations* of great men, whose friendships and dependencies extend far,—or from men *factious*,—or from such servants as endeavour to build up their fortunes with their own hands, not leaving to their masters to do it upon their good deserving,—or from parties.

"That from *misinformation*, all errors, incongruities in matters of estate, and mistaking of the true means, whereby the just and gracious purposes of princes come to be disappointed, do proceed.

"That it is not easy to distinguish truth from falsehood, seconded by friends, and supported by reasons probable.

"That it is impossible to do any thing conveniently or rightly, or to determine any thing *de jure*, if first it be not known how it is *de facto*.

"That the justest and wisest princes must err in their directions given upon sinister information of the state of the business in hand.

"That it is an easy matter to a just prince, by following only the bent of his own inclination, to give

* *i. e.* Information.

such directions and commands, upon matters perfectly known to him, as thereby he may reap honour, profit, the love of his subjects, and the reputation of wisdom and justice.

"The truth of these foresaid propositions being so well known to your Majesty, it would be impertinent to me to go about to prove. But to be a means and instrument whereby the *true state of business of Scotland*, a place remote, may be conveyed to your sacred ears, is the best and most useful service can fall within the compass of my power, the highest of whose endeavour is to be a faithful servant, and not to make an unjust claim to eminent abilities. If therefore, your Majesty may be pleased to prefer some honest and well-deserving servant to the place I hold of your Majesty,*

* This proves that the manuscript was written before Lord Napier had given up his place of treasurer-depute, and consequently before the King's visit to Scotland in 1633. The proposal to be placed about his Majesty's person Napier was justified in making, having been for many years gentleman of the bed-chamber to James VI., and specially recommended by that monarch, on his deathbed, to Charles I., and thus Napier was the first Scotsman whom Charles raised to the peerage. "After I had left the schools," says Lord Napier in his manuscript Relation, "I addressed myself to the service of King James of blessed memory, and was graciously received by him, and, after the death of Queen Elizabeth, I followed his Majesty into England when he went to receive the crown of that kingdom. I served him there, as gentleman of his privy-chamber, the space of sixteen or seventeen years, or thereabout, continually, till his Majesty was pleased to cast the Earl of Somerset out of his favour, and take in his place George Villiers, afterwards Duke of Buckingham, a *powerful favourite*, and no good friend of mine, because I, with some of our countrymen, endeavoured to support Somerset, which in his (Villiers') construction was an opposing of his rising. Therefore I, *being much desired thereto by my worthy father*,* took this occasion to repair to Scotland, and expect the event of things; wherewith I did acquaint the King, and desired his leave, which he granted, but not before he made his favourite, against his mind I think, to give me large promises of friendship and fair blossoms of protestations and compliment

* This is the only notice to be found, in all Lord Napier's manuscripts, of his celebrated father, the Inventor of the Logarithms, who died in 1617.

and to give me some place of access to your Majesty's person, (*without which*, services of that kind are nearly unuseful,) and a reasonable means that I be not forced to undo my estate, and instead of a useful servant become a troublesome suitor, (whereby there shall be more by many degrees brought in, and saved in your Majesty's coffers,) then I do humbly offer and undertake,—

"To establish such correspondence in most parts of Scotland, and in all the courts and judicatures thereof, with men honest and judicious, not interested in affairs, and not knowing one of another, who shall give me sure intelligence of the state of every business which shall occur; and if any of them shall chance to be partially affected, the relation of the others shall controul what is amiss in his. Which relations shall be made known to your Majesty by me, without passion or affection, and without respect to any end of my own or of others, as I shall answer to God in conscience, to your Majesty upon my alledgeance, and under pain of your highest displeasure. Whereby your Majesty shall reap these commodities following, and many more.

"1. As the clouds which obscure and darken the sun are dispersed by the heat of the same, so shall the cloud of factions, compacted to no other end but to mis-

which never bore fruit." A few years afterwards, however, the King made a point, against very powerful opposition, of preferring Napier to the place of treasurer-depute, "and (he adds) a little before his death he recommended me, I being then in Scotland, to his son King Charles, as his majesty (Charles) himself was pleased to tell me, than which a greater testimony of a gracious master's favour to an absent servant, at such a time, could not be expressed." I find from a letter of Napier's, (while gentleman of the bed-chamber,) to the celebrated Sir Julius Cæsar, that he was very much impoverished by that post, (probably from lending money to the King,) and indeed in great difficulties, which accounts for his cautious qualification of the above offers to Charles. It would have been well for the monarch had Napier been in the place of "little Will Murray of the bedchamber."

inform your Majesty for their private advantage, and to the prejudice of your Majesty's just and gracious designs, be dissolved by the knowledge of the true state of things, and your Majesty's resolutions and directions, proceeding from that knowledge, being constant and absolute, shall render their combinations vain and of no force, and your Majesty's affairs shall go more smoothly than hitherto they have gone.

" 2. All your Majesty's officers there shall endeavour to approve themselves to your Majesty by their faithful service, when they shall see that their demeanour is truly known to you, and shall not trust any more the recommendation of their faction, whose manner is to endear to your Majesty the worst services of their side, and to disable and traduce others who are not of their cabal, although your Majesty's true servants. So shall your Majesty be well served, and your subjects made happy.

" 3. I undertake that no man employed in receiving or debursing of moneys, of any kind belonging to your Majesty, shall be able to deceive your Majesty, or convert it to their own use, but it shall be made known to your Majesty, which is no small benefit in regard of the former carriage of business.

" 4. No more gifts shall be procured from your Majesty surreptitiously, or upon wrong narratives, and the true value shall be made known.

" 5. The perpetual confluens of the Scottish nation hither, (who come up either to procure unjust things by means of their friends, or to recal such things purchased upon wrong information tending to their detriment, whereby your Majesty is exceedingly troubled, they undone, and that kingdom exhausted and drained of money,) shall be much diminished.

"These commodities, and many more, shall redound to your Majesty by knowledge of the true estate of business, which I do humbly offer to procure, if your Majesty do think that I can be faithful. But if it shall not please your Majesty to embrace or like of these offers, I shall pray Almighty God, who hath the hearts of princes in his hand, to direct your Majesty to a better course than this, for your Majesty's own good and that of your subjects."

The endeavours of Charles I. to relieve the Scottish nation from the oppression of the aristocratic titheholders, and the state prosecution of Lord Balmerino for a seditious libel, a prosecution which arose out of the circumstances of the King's coronation visit to Scotland in 1633, may be termed the seeds of the Covenant, and of that revolt in the north which so greatly aided, if it did not bring about, the subsequent Rebellion. With regard to the important subject of the tithe policy of Charles I. Lord Napier's manuscripts afford a more authentic and interesting elucidation, especially as regards the King's motives and intentions, than has hitherto been recorded.* Malcolm Laing observes, that "a general revocation of the tithes and benefices usurped by the laity had been projected by James, but deferred from the unexpected

* Mr Connell (Treatise on Tithes, Vol. i. p. 230,) speaking of the system introduced by Charles I., observes,—"The events which led to the accomplishment of this great undertaking are involved in some obscurity. They are faintly alluded to by the historians of the day, and few of our lawyers attempt to trace their origin and progress. The work was probably the result of a combination of circumstances. Something of the kind was in agitation soon after the Reformation, but Charles I. had the honour of carrying the plan into execution, although it seems to be a matter of doubt whether it was a voluntary measure of policy on his part, or took its rise from the disputes between him and his nobles in Scotland, concerning the revenues of the popish clergy."

opposition to the articles of Perth; but his schemes had been carefully infused into Charles, and in the execution of those dangerous and useless projects, the tranquillity of Scotland was imprudently sacrificed." The same writer says that by this revocation Charles "intended to aggrandize the dignified clergy;" nor will he attribute to the monarch one beneficent intention, or credit him with one beneficial result in following out this most difficult policy. Mr Brodie is yet more severe. He will allow the King no better motive for the revocation of tithes, than "in order to support the prelates in becoming state;" and asserts that he "only aimed at lessening the aristocratic power as it clashed with his own, leaving the people still naked of protection,"—and thus this historian traces all those distractions in the state of Scotland, which preceded the insurrection, to the conduct and "the intention of the King."

Lord Napier, who probably knew more of the intentions of the King than did either of the above historians, (for, says he, "of the commission of the tithes I had the honour to be one, and, according to my duty and power, did advance his Majesty's just and gracious purpose,") recorded at the time, and before the troubles broke out, this very different view of the matter. "The business of tithes, amongst others, was most constantly prosecuted by his Majesty;—a purpose of his father's, or his own, who, finding the heavy oppression of teind-masters and the *servitude of the people*, did earnestly endeavour to remedy it; but in this, as in other matters, what truly might be said to be his, which were his intentions only, was most just and princely; but the means, which were other men's inventions, were most unfit to compass his ends, but fit enough to serve their

turns that found it their private prejudice (interest) to render the business intricate, longsome, and difficult, upon hope his Majesty would relinquish the same; neither was this form of proceeding displeasing to some most intrusted, for by the difficulty they did indear their services, and in the mean time, giving his Majesty hopes of great matters, they drew from him present and certain benefits, above the proportion of their merit, or of his Majesty's ability."

The design of recovering the tithes from the hands of those grasping and factious barons who had made the reformation of the church in Scotland an excuse for appropriating that property to themselves, was thus protracted through a number of years from the commencement of the reign; and Charles himself refers to the unjust discontent of the nobles, whose power was to suffer from this salutary restriction, the murmurs and heart-burnings which found a vent in the insurrection against Episcopacy. When the general revocation was first proposed, the King met with a violent opposition from interested noblemen, several of whom were at the very time disgusting his Majesty with those petty factions at court, of which Lord Napier has left so curious a record. Mar, Haddington, Roxburgh, Morton, and the violent old gouty chancellor, Sir George Hay (Kinnoul) were, from personal interest, among the leaders of that opposition, which, we are told by Burnet, very nearly brought on an extraordinary scene of assassination and massacre when Nithisdale came to Scotland commissioned by the King to make good the revocation. It was after this failure that the famous "Commission of Surrenders of Superiorities and Tithes" was issued in the year 1627, the following illustration of which, from a manuscript in Lord Napier's handwrit-

ing, (apparently addressed to a friend when his Lordship was under the temporary displeasure of Charles, occasioned by the arts he exposed,) is both interesting and valuable in reference to the history of that much canvassed policy, and the character and position of the King.

"*A Discourse upon the business of the Tithes, now in hand.*

"I will not, worthy friend,* enter into any curious inquisition whether or no the business of the tithes now in agitation, of its own nature easy, be rendered difficult by the practice of men interested, whose manner is to praise the designs of princes, and cross them in the means, by opposing those that are fit and advising the unfit,—or by the subtilty of those who are entrusted and employed, to endear thereby their services, and to draw from his Majesty present and certain benefits, giving in exchange future and uncertain hopes,—or by their ignorance who never fix their thoughts upon means ready and in hand, (as unfit to compass greater matters, and bearing no proportion with them,) but hunt after the odd and extraordinary, not knowing that as in nature and art, so in the affairs of men, (which are not merely natural, but partly so and partly voluntary, and therefore much beholden to art and dexterity in the managing,) the greatest matters are performed ofttimes by the easiest and most obvious means. Whether any of these be the cause, or all, or none, but somewhat else, I know not, and therefore will not wrong any man by conjectures, but leave the search of remote and hidden

* The manuscript is not otherwise addressed.

turns that found it their private prejudice (interest) render the business intricate, longsome, and difficu upon hope his Majesty would relinquish the sam. neither was this form of proceeding displeasing to se most intrusted, for by the difficulty they did inc their services, and in the mean time, giving his M ty hopes of great matters, they drew from him pre and certain benefits, above the proportion of their n or of his Majesty's ability."

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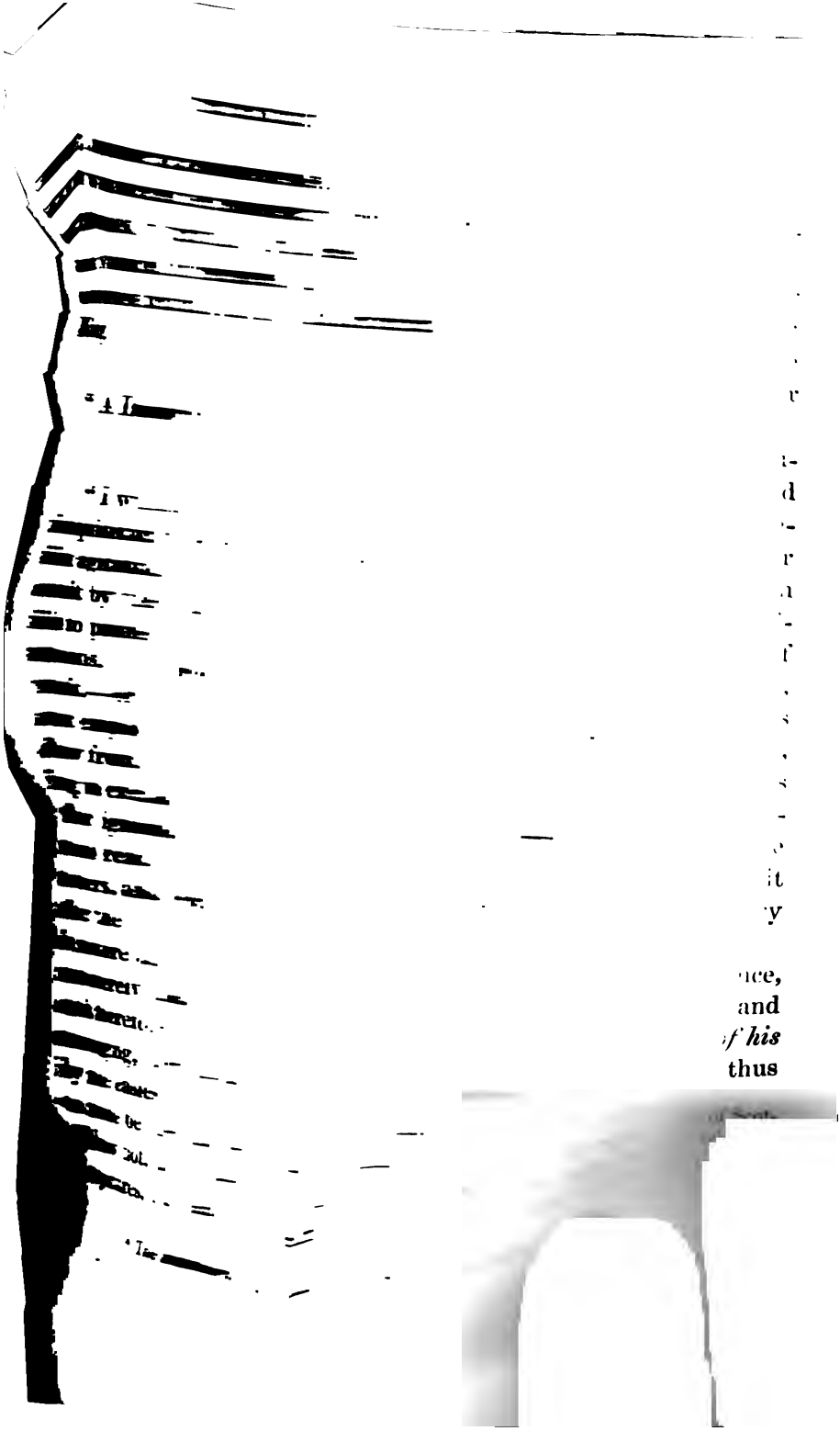

frustrated and disappointed, and that which his Majesty intended for the general good, to give general discontentment, through the ill carriage of the business, whereby his Majesty is defrauded of the honour due to his virtuous and good designs, than which *never prince intended more just, more gracious, nor more truly honourable;* and in the end it is most likely that his profit shall be much diminished, unless some better course be taken. For after the valuations be made, which some of good judgment think will come short of that which was made when the thirds of benefices were assumed, and after that the ministers have procured augmentations of stipend, which indeed is expedient, and of number, which is more necessary for the service of God, and after that maintenance for hospitals and schools, and other means, be deducted off the tithes, and after that the titulars, either out of favour, or out of consideration of the loss, and the just and meritorious causes of their acquisition of the said tithes, get satisfaction, which undoubtedly all will pretend to, all demand, and most of them likely enough receive from so bountiful a disposition,—the remainder is not likely to prove so great as is given out.

" As to that other way invented to raise profit to his

of church property made within eighty years, comprehending thus all the lavish and profuse grants of James VI. The threats of a proceeding thus begun excited great alarm; and the King was forced to lower his tone, and as a justification of the measure to *profess* two objects to have been in view, in themselves fair and reasonable:—1. A competent provision for the clergy, and for education; and, 2. The freeing of owners of land from the oppression suffered in the drawing and levying of tithes."—P. 308. But all the manuscripts of Lord Napier on the subject—written, be it remembered, long previous to those troubles which arose out of the factious opposition to, and interested mismanagement of, the King's pious schemes,—afford a view, of the purity of his intentions, from one so long and intimately acquainted with Charles, that his testimony cannot be doubted.

Majesty, (which by relation I hear only, being made of late a stranger to all these businesses) by appointing to the King a certain part of that money which shall be given for every chalder that is sold, I think it not honourable, for even among subjects it is counted base and called *brocage*, neither will it prove profitable, but carries only a shadow of profit, which upon proof will evanish, because it is likely there will be little or no buying of tithes, for many are unable, and more are unwilling, for these reasons: 1. Because no security can be given them, (as they think ;) for the titular, as titular, can give no better than he hath himself, which is esteemed but a patched up one, now in question; and for the clergy, it is no reason to urge them to give it, who have no benefit, but allege detriment; neither do they think his Majesty can give such a right as by his successor may not be quarrelled, by alleging the detriment of the Crown, which has only got a mean annuity of that which totally belongs to it, and so may fall under revocation. 2. Whatever any augmentation of stipend, or new provisions for ministers shall be hereafter, it must come from those who have the inheritance of tithes, which hazards, those who pay their money will think so hard to be subject to, as they will rather forbear buying at all. So there being no buying, this ground faileth, and the project built thereupon falleth. But granting that all or the most part will buy, the very same benefit the King may reap in a fair and ordinary way, by adding it to the ordinary composition, when they come to seek their confirmations after they have bought.

" The nearest cause of all these bad effects before expressed, I take to be the preposterous and unfit means used for attaining the King's purpose, and specially the

endeavour to establish a general quota upon which necessarily dependeth the valuation of all the lands in Scotland. Indeed if the Commission had been given to this end, to establish a certain tithe in some new found land, where never any was before, this had been the only way; but in Scotland, where there has ever been a known, or easily to be known, tithe of every parcel of ground, since first it received the Christian religion, according to which tacks have been set, fines raised, and bargains of sale made, to induce a new quota, and fit it to all parts of the kingdom alike, were, in my opinion, the way to disturb and confound the whole business, and no more a means to facilitate the sale, admitting that sale had been the true means, than if a merchant, to the effect his cloth might sell the better, would sell none with the old received yard, but stay till a new one were made by Act of Parliament.

"But it may be said, *aut ne carpas aliena, vel ede tua.** The first whereof I would not do, if I did not think there were a way (if I be not mistaken) to perform the King's gracious intention, in short time, with ease, conveniency, contentment and profit to all, or the most part, without any considerable innovation (which, though to the better, is ever of dangerous consequence in a settled state,)† and, what is no little ease to his Majesty, by which no man, of what quality soever, can have any the least pretext to demand satisfaction, or to diminish his Majesty's profit. But neither is this time fit for any such proposition,—when his Majesty is made so hopeful of the course in hand, and so well conceited of the abilities and the affection of the instruments employed and entrusted,—neither am I a fit man to do it in the

* Either do not carp at the plans of others, or publish your own.

† This was prophetic.

terms I now stand; * for no matter, how good soever, delivered by a man against whom there is prejudice conceived, can relish well. But if hereafter (as is very likely) this course fail which now is run, and that these mists, which calumny and malice have raised to darken his Majesty's countenance towards me, be dispersed by the rays of his own clear judgment, I shall not then be wanting in my affection and duty. At which time, if the proposition like his Majesty, to make it effectual he must own it himself, and, to try it, must ask the opinion of the wisest and best affected concerning the same. For if it should be known or suspected to proceed from any other, it is the humour of some of greatest trust and credit about princes, to disgrace the man, and to slight and cry down any motion, though never so good, which doeth not proceed immediately or mediately from themselves; and upon every occasion that occurreth, will rather give bad information, and worse advice, than give way to others, or seem incapable of any thing themselves. Much like that gentleman who rode out, in the company of others, to bring in the Pope to a city in Italy. The Pope asking many questions, and inquiring the names of cities, rivers, and places, that came within his view as he went along, this gentleman made answers to all, and gave names to every thing, but never a true one, being himself ignorant of the same. And so he continued in discourse with the Pope till he came to his lodging, and when a friend of his rebuked him for abusing his holiness with untruths, 'if (said he) I had seemed ignorant of what was asked, the Pope would have called another, so should I forego the honour I

* This manuscript must have been written during the temporary displeasure of the King towards Napier, as narrated in his Relation. See before, p. 36.

had,—to be seen riding so near the Pope and in speech with him,—and he rests as well satisfied as if the truth had been exactly told him.'

" And truly, if ever any King, our Sovereign, in so far as concerneth Scottish business, may justly make Dioclesian's complaint,—*Colligunt se quatuor aut quinque circa Imperatorem, atque sibi utilia, sub pretextu boni publici et principis, proponunt,—bonos, et virtute præditos, ab Imperatore amovent,—malos, factiosos et sibi idoneos adsciscunt,—veritatem ad aures principis appellere non sinunt,*—SIT BONUS, SAPIENS, CAUTUS, DECIPITUR IMPERATOR."*

From these, and other fragments of his reflections we shall yet have to quote, it might almost seem that the preceptor of Montrose had been gifted with the second sight of his country, and that to him the " coming events cast their shadows before." It is interesting to connect the above manuscript, upon one of the most influential and least elucidated events of the times, with a passage in Heylyn's Life of Laud. That contemporary writer narrates, that, in the minority of

* These last words are written emphatically large in the manuscript. It is a speech put in the mouth of the Emperor Diocletian, after his voluntary abdication of the throne, when declaiming on his favourite topic, the difficulty of being a good prince. Gibbon thus paraphrases the passage. " How often is it the interest of four or five ministers to combine together to deceive their Sovereign! Secluded from mankind by his exalted dignity, the truth is concealed from his knowledge,—he can see only with their eyes, he hears nothing but their misrepresentations. He confers the most important offices upon vice and weakness, and disgraces the most virtuous and deserving among his subjects. By such infamous arts the best and wisest princes are sold to the venal corruptions of their courtiers." The quotation in Lord Napier's manuscript is from *Vopiscus*, a learned Syracusan, reckoned the Coryphæus among the six authors, called *Historiæ Augustæ Scriptores*. His style is considered more elegant and pure than that of any of the others, and Gibbon in particular sets great store by him.

James VI., the lands of all cathedral churches, and religious houses, which had been settled on the Crown by act of Parliament, were, by the connivance of the Earl of Murray and other Regents, shared among the revolutionary lords and barons; and that, "they lorded it with pride and insolence enough in their several territories, holding the clergy to small stipends, and the poor peasants under a miserable vassalage and subjection to them, not suffering them to carry away their nine parts till the lord had carried off his tenth, which many times was neglected out of pride and malice, those tyrants not caring to lose their tithe, so that the poor man's crop might be left unto spoil and hazard." Heylyn then narrates how Charles, adopting the projects of his father, "resolves upon an act of revocation, commissionating for that purpose the Earl of Annandale, and the Lord Maxwell (afterwards Earl of Nithisdale,) to hold a Parliament in Scotland, for contribution of money and ships against the Dunkirkers, and arming Maxwell also with some secret instructions for passing the said act of revocation if he found it feasible. Being on his way as far as Berwick, Maxwell was there informed, that his chief errand being made known had put all at Edinburgh into tumult,—that a rich coach, which he had sent before him to Dalkeith, was cut in pieces, the poor horses killed, the people seeming only sorry that they could not do so much to the lord himself." In consequence of this failure, Charles adopted the advice of his Solicitor-General for Scotland, Mr Archibald Acheson, who had been a puisne judge in Ireland. This lawyer it was who proposed the machinery of the Commission of Surrenders, with which the King was so highly delighted, that he honoured the inventor with knighthood. Three years from the date of this Com-

mission, matters were in the state commented upon by Lord Napier in the manuscript we have quoted. It appears, however, that, shortly after expressing those opinions, he had not only been restored to the royal favour, but obtained an opportunity of communicating all his views on the subject of the tithe policy to the King himself. "In the year 1630," says Heylyn, "commissioners (from the tithe-holders) are sent to the Court of England, and amongst others, the learned and right noble Lord of Merchiston (Napier) *from whose mouth I had all this relation;* who, after a long treaty with the King, did at last agree that the said Commission should proceed as formerly, and that all such superiorities and tithes as had been, or should be surrendered, should be regranted by the King on these conditions: 1. That all such as held hereditary sheriffdoms, or had the power of life and death over such as lived within their jurisdiction, should quit those royalties to the King. 2. That they should make unto their tenants in their several lands, some permanent estates, either for their lives, or one-and-twenty years, or some such like term, that so the tenants might be encouraged to build and plant, and improve the patrimony of that kingdom. 3. That some provisions should be made for augmenting the stipends of the clergy. 4. That they should double the yearly rents which were reserved unto the crown by their former grants. 5. That these conditions being performed on their parts, the King should settle their estates by act of Parliament. Home went the commissioners with joy for their good success, expecting to be entertained with bells and bonfires. But they found the contrary, the proud Scots being generally resolved rather to put all to hazard, than to quit that power and tyranny which they had over their poor

vassals,—by which name, after the manner of the French, they called their tenants. And hereunto they were encouraged underhand by a party in England, who feared that by this agreement the King would be so absolute in those northern regions, that no aid could be hoped from thence when the necessity of their designs might most require it;*—just as the Castilians were displeased with the conquest of Portugal by King Philip II., because thereby they had no place left to retire unto, when either the King's displeasure, or their disobedience should make their own country too hot for them. Such was the face of Church and State when his Majesty began his journey for Scotland to receive the Crown."

At length Charles effected that memorable progress in the month of June 1633. On the night before his coronation, he was feasted in the Castle of Edinburgh by the old Earl of Mar, whom he had beheld at his feet, crutches and all, "stirring pity to cause injustice." On the morrow, when seated in the great hall of the Castle, to receive the crown which some would fain have filched from him, it was Hay, the crabbed Chancellor,—he whose "manner was to interrupt all men when he was disposed to speak, and the King too,"—that now, in the name of the estates of the kingdom, "spake to the King." Among the six noblemen, whom his Majesty selected to support the bearers of his canopy, was Lord Napier. Rothes, the father of the future Covenant, carried the sceptre,—and Lorn, the deeper and

* But the result was, that to that party in England,—
"The beggarly Scot
Sold his King for a groat."

more deadly promoter of the Rebellion, assisted to bear the train.

The factious insolency of his Scotch nobles which Charles had experienced in England, he now met with, in more dangerous and personal collision, " at home." No sooner had he set his foot in Scotland than he created the chancellor Earl of Kinnoul, a favour which had little effect in molifying the temper of that statesman. Charles had always wished that the primate of Scotland should have precedence of the chancellor; " which," (says Sir James Balfour) " the Lord Chancellor Hay, a gallant stout man, would never condescend to, nor ever suffer him to have place of him, do what he could, all the days of his lifetime." Once again Charles endeavoured to effect this. It was when arranging the pageantry of his coronation with Sir James Balfour, the Lord Lyon, in whose own graphic words we must give the anecdote. " I remember that King Charles sent me to the Lord Chancellor, being then Earl of Kinnoul, the day of his own coronation, in the morning, to shew him that it was his will and pleasure, but only for that day, that he would cede and give place to the Archbishop; but he returned by me to his Majasty a very brusk answer, which was, that since his Majesty had been pleased to continue him in that office of chancellor, which, by his means, his worthy father, of happy memory, had bestowed upon him, he was ready in all humility to lay it down at his Majesty's feet; but since it was his royal will he should enjoy it with the known privileges of the same, never a stol'd priest in Scotland should set a foot before him so long as his *blood was hot.* When I had related his answer to the King, he said, ' Weel, Lyon, let's go to business; I will not meddle further with that *old cankered, gouty man,*

at whose hands there is nothing to be gained but sour words.'" * Thus even the regal procession, which to the eyes of all Scotland betokened gaiety and gladness, was to the devoted monarch replete with vexation and bitterness. From that hollow pageantry he passed to his Parliament of Scotland, with a spirit lofty, and long chafed, but as placable as it was royal.

By this time the Scotch factionists had some young blood among them, hot as the chancellor's, and even more vicious. These recruits were not strangers to Charles. About the close of the year 1626, three commissioners had been despatched by the tithe-holders in Scotland, to present a remonstrance against the act of revocation proposed by the King, who, having some intelligence of their plan, and not chusing to be insulted by the faction from whose oppressions he wished to relieve the people, sent a mandate to these emissaries to stop short of the Court. Their petition was received, however, and proved to be couched in such terms that "his Majesty stormed at their petition, as of too high a strain for subjects and petitioners; but shortly thereafter, on the *acknowledgment of their error*, they obtain pardon, and license to come to the court." † They were John Earl of Rothes, Alexander Earl of Linlithgow, and John Lord Loudon. When these harbingers of "the troubles" obtained an audience, the storm had passed from the brow of the generous King, who jocularly told them that they had been treated like so many young does, whom the old ones, finding themselves hotly pursued and in hazard of being taken, cunningly

* Balfour's Annals, MS. Advocates' Library. Published in 1824 by the Messrs Haig of the Library. The above anecdote of Chancellor Hay agrees precisely with Lord Napier's account of him. See *ante*, p. 29, 53.

† Balfour.

expose to the hunter's fury, to save their own carcases. So he dismissed them to a conference with his secretary, Sir Alexander Stirling, and the nobleman who had interceded for them, namely, the Earl of Menteith. These stricken does, however, did not retire to weep. When Charles took his seat in the Scotch Parliament of 1633, *Rothes* and *Loudon* proved to be leaders of the very dangerous herd he there brought to bay. The King had paused in his favourite and pious scheme, of arranging a uniformity of worship throughout his kingdoms, and now determined to conquer more gradually, and with as little violence as possible, the selfish obstinacy of the tithe-holders, which, he had every reason to believe, was the only obstacle to his ameliorations of the Episcopal church of Scotland. But he had no idea of giving up to this faction Religion and the Church as already established. Unconscious of Papistical inclinations, and too enlightened himself not to perceive, in the rising murmurs against popery, either an irrational or a treacherous opposition, he determined to assert in his own name what had been peacefully established by his immediate predecessor. That the King could take his seat in this Parliament, (at a time, too, when prerogative and privilege were all undefined,) with calm and prudential feelings towards such an opposition, was not to be expected. To adopt his own account of the matter,—which, from its *truth*, became so hateful to the Covenanters,—" we (says the King,) undertook a journey to them, and, according to our expectation, were most joyfully received by them. But immediately before, and at the sitting down of our Parliament there, we quickly found that the very same persons who since were the contrivers of, and still continue the sticklers for, their now pretended Covenant,

begun to have secret meetings, and in their private consultations, did vent their dislike of our innocent revocation, and our most beneficial commission of surrenders. But knowing that these two could gain them no party, then they begun to suggest great fears that many and dangerous innovations of religion were to be attempted in this present Parliament. Not that they themselves thought so, but because they knew that either that or nothing would soil with suspicious jealousy, or interrupt and relax, the present joy and contentment which did overflow in our subjects' hearts, and appeared in their hearty expressions, for our presence among them. But we readily confuted all these suspicious surmises; for, except an act which gave us power to appoint such vestures for churchmen as we should hold to be most decent, nothing concerning religion was either propounded or passed in that Parliament, but that which every King doth usually, in that and all other Christian kingdoms, pass at their first Parliament, viz. an act of ratification of all other acts heretofore made, and then standing in force, concerning the religion presently professed and established, and concerning the church, her liberties and privileges. Which act, being an act of course, though it passed by most voices, yet was it disassented from, to our great admiration, by the voices of many of those who are now the principal pillars of their Covenant; which made all men then begin to suspect that sure there was some great distemper of heat at the heart, when it boiled so over at their lips, by their unnecessary and unprofitable denying of assent to the laws, concerning the religion and church, already established, this first act passing more for form, and the honour of religion, than for any use or necessity of it, all the former laws still standing in

force and vigor, without the need of any new ratification."*

The noblemen who led this factious opposition, and the manner in which they did so, were particularly calculated to throw the hasty King off his guard in this unhappy collision with the Parliament of Scotland. The leading spokesmen were Loudon and Rothes. It had been conceded to King James, by act of Parliament, that the ordering of the apparel of churchmen should appertain to him. Charles, consistently with his object of uniformity in church matters, was anxious not to lose sight of this act, and the Lords of the articles had included it in the general act of his prerogative. The opposition seized upon this as the most favourable subject for popular agitation, it being easy, with the aid of a fanatical clergy, to excite the people into irrational violence against the surplice, and through that perverted medium to poison their minds with false ideas of the King's intentions. From Sanderson's contemporary history, we derive the following quaint and circumstantial description of the style of a debate that was in fact pregnant with the fate of England. "The first that opposed this act was the Lord Loudon, a bold young man of a broken estate, lately come from school (their college) and a Master of Arts. A deft Lord he was, who missing of the Court to civilize his studies, must needs want morality to bring him to manners, and being besides of a cavilling contradictory nature, nothing would seem to him so positive in reason as his own opinion; and therefore now, as heretofore at school, he argued with his distinctions—*duplici quæstioni non potest dari una responsio; ita est sic probo*,—and after his syllo-

* The King's Large Declaration; printed in the year 1639; of which in a subsequent chapter.

gisming in this kind he sits down with a challenge,—*responde, perge, urge, punge.* The King told him the orders of the house, not to *dispute* there, but to give his vote, *yea* or *nay*,—'which I do' said he, '*negative*,' and so sat down in a snuff; yet the King had the major voices *affirmative.* Loudon stands up and questioneth the register, scans the calculation with great contest before the King could carry it."*

The King appears to have been annoyed and irritated, and even to have afforded a handle to faction by not repressing his indignant feelings. Only conscious of being there opposed by the tithe-cabal, and aware that they had held seditious meetings in secret before the assembling of Parliament, Charles had come prepared to carry matters against these turbulent nobles, with a higher hand than prudence dictated, especially as it was not in his nature effectually to sustain an arbitrary system of government, upon any determined or steady views of his own. Rushworth declares, that, during this stormy and fantastical debate, in which there was manifested such a disposition to insult the King, "he took a list of the whole members out of his pocket, and said, Gentlemen, I have all your names here, and I'll know who will do me service, and who will not this day," † According to Clarendon, the King had

* "A Compleat History of the Life and Raigne of King Charles from his cradle to his grave, collected and written by William Sanderson, Esq."—Printed 1658.

† Rushworth, Vol. ii. p. 183. But this celebrated Collector was assistant-clerk of the Long Parliament, and it is now well known that his testimony against Charles I. must always be received *cum nota.* The antidote against Rushworth's partial collection is the "Impartial Collection" of Nalson, who says in his Introduction,—"If I do not make it appear that Mr Rushworth hath concealed truth, endeavoured to vindicate the prevailing detractions of the late times, as well as their barbarous actions, and with a kind of rebound libelled the government at second hand, I will be contented the award shall go against me."

remarked that at this time Rothes and his party endeavoured " to make themselves popular by speaking in Parliament against those things which were most grateful to his Majesty, and which still passed notwithstanding their contradiction, and he thought a little discountenance upon those persons would either suppress that spirit within themselves, or make the poison of it less operative upon others." That great historian adds, that of the Earl of Rothes, and others, the King had the worst opinion, and purposely withheld from them any grace by never speaking to them, or taking notice of them in the Court. Yet such was their effrontery, and determination to attain their ends, that " when the King was abroad in the fields, or passing through villages, when the greatest crowds of people flocked to see him, *those men would still be next him*, and entertain him with some discourse and pleasant relations, which the King's gentle disposition could not avoid, and which made those persons to be generally believed to be most acceptable to his Majesty,"—a characteristic demeanour of ambitious democracy, upon which Clarendon passes the shrewd reflection, that " let the proudest or most formal man resolve to keep what distance he will towards others, a bold and confident man instantly demolishes that whole machine, and gets within him, and even obliges him to his own laws of conversation." Such was the faction with whom Charles came into collision in the Scotch Parliament of 1633, and to whose bitter disappointment the King's prerogative was saved, for the time, by his still commanding a majority of that Parliament against the rising tide of disloyalty and disorder. * But it was not merely to ac-

* Dr Cook has been misled into a most mistaken history of this matter, by Bishop Burnet, to whose malice the Reverend author would pro-

quire a short-lived triumph over the factious and turbulent that Charles accomplished this memorable progress. His object was to secure the peace and happiness of his subjects, no less than to protect his crown. Accordingly, in this Parliament, his tithe policy was finally adjusted upon its present basis, and at the same time he added another inestimable benefit to the Scotch people, in the statute for the endowment of parochial schools. "Thus," —says an excellent historian of the church in Scotland, —"thus did Charles I. confer upon Scotland two of the greatest boons that legislative wisdom could devise; securing to the ecclesiastical body a permanent though frugal endowment, and providing for the poor the facility of acquiring a cheap and pious education." *

From such scenes as we have adverted to, the excellent Monarch returned, weary and disgusted, to forget his cares in those pious habits and domestic enjoyments for which nature had fitted him better than for a throne. No sooner had he returned to England, however, than he was constrained to institute a criminal process against a Scotch nobleman. To agitate the country against the King was the great object of Rothes and his party. The elements of revolution were abundant in Scotland. An aristocracy, turbulent and disloyal by hereditary

bably not have given up the character of Charles I., had he known of the Bishop's letter to Mr Brisbane. Burnet's account of the conduct of the King in the Scotch Parliament of 1633, as well as of the subsequent trial of Lord Balmerino, is contradicted by the best contemporary evidence, and confirmed by none of any value. Yet Malcolm Laing, Dr Cook, Mr Brodie, and others, have adopted it with implicit confidence, and indulged in the severest strictures against Charles in consequence. The view of these events offered in our text is so opposite to that of the above historians, that we have thought it proper to examine all the authorities in a note, which, being too long for this place, will be found at the end of the volume.

* History of the Church in Scotland. By the Rev. Michael Russell, LL. D. Vol. ii.

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right, had been restrained in their power. A clergy, born of democracy and fanaticism, were threatened with the extinction of their *extempore* addresses, and the diminution of *their* power, under a learned hierarchy. Thus there was no want of materials for organizing and leading insurrection. But the question was, how to combine these somewhat discordant elements safely and effectually for the purposes of a clique.

Their first essay was the malicious rumour, that certain measures in the late Parliament had only been carried by bribery and corruption on the part of the King; nay, that some of the acts had in reality not passed, though the clerk-register, in summing up the votes, falsely declared that they had. This factious whisper, however, was merely intended for the vulgar, it being well known that there were too many, present in Parliament, keenly interested in the state of the vote, and actually checking the notes both of the King and the clerk-register, to have rendered so desperate a deceit practicable, had the King been capable of conceiving it. Another whisper, the factionists had better hopes of swelling into a popular clamour, namely, that the Commission of Surrenders was nothing else than a scheme of *the bishops*, for the sole purpose of their own aggrandizement, and that the intention of the King was, by a series of such measures, to subvert the "Religion and Liberties" of Scotland. How much truth and sincere patriotism belonged to these views of the King's tithe policy, we have noticed already. But this direction of the storm against the courtly hierarchy was a master art of insurgency. Scotland was swarming with poor clergymen, who, for the most part, uncouth, unlearned, and unenlightened, and hopeless of becoming bishops, yet felt their passions, and their lungs,

strong enough to afford them a chance, when the waters were troubled, of emulating the popularity of Knox. On the King's arrival in Scotland, one Mr Thomas Hog, a minister, had been put forward in the name of this church faction, with a petition, entitled—"Grievances and petitions concerning the disordered estate of the reformed kirk within this realm of Scotland,"—which he presented to the clerk of the articles, at Dalkeith, before the King had reached Edinburgh. This petition involved a complete revolution in the church and state of Scotland, and was like a shadow of the coming Covenant. The first clause intended the exclusion of the bishops from Parliament, and aimed that very blow, at one of the three estates, which not long afterwards took effect. The next clause asserted the supremacy of the church of Scotland over the civil magistrate, in regard to the much envied bishops, and this papistical doctrine; and persecuting power, was also subsequently realized by the covenanting assemblies of 1638 and 1639. The remainder of this petition laboured for the subversion of every thing that was anti-democratical in the constitution of the kirk. So palpable a manœuvre of the faction, the lords of the articles did not even consider worthy of being prepared for the consideration of Parliament, and it fell to the ground. The wits of a lawyer were next set to work, and certainly he managed to raise a considerable flame. William Haig, the "King's Solicitor,"* a lawyer whose luck was not so great as Archibald Johnston's, though his political intentions were just as deserving,—concocted a "supplication," which, says Lord Balmerino upon oath, Haig told him, "he had made out of some collections which he had gathered upon some conferences, which he had with *sundry persons* the time of

* Burnet.

the Parliament."* This precious egg of sedition the Solicitor privately conveyed to Lord Balmerino for incubation. Now this lord was the son of a nobleman who had practised the very same trick upon King James, that Lord Napier informs us was practised upon Charles, namely, that of *stealing* his subscription to a state paper. Old Balmerino was detected, tried, and condemned to die, for surreptitiously obtaining the royal signature to a letter to the Pope. King James pardoned him, and restored his blood, though he could not redeem it from its inherent vice. The son was of the keenest of the cabal against Charles I., and to this nobleman it was that Haig first submitted his scheme of a revolution, which he called "a fit supplication to be presented to his Majesty." Lord Balmerino, as appears from his own depositions, immediately carried it to Lord Rothes, and further "declares, that the Earl of Rothes, and the deponer, having read the supplication, thought it *no ways fit* to be presented to his Majesty, but to be *absolutely suppressed*." It is not surprising that even their effrontery, who at the very time were forcing themselves upon the King in his progresses, was unequal to the task of presenting this petition; for a more purely insulting document, if offered to the King, and, if circulated among the people, a more insidiously seditious one, could not have been framed. It began by accusing the King of asserting in the recent Parliament, "a secret power to innovate the order and government long continued in the reformed church of Scotland,"—it referred to the known wish of Charles to have a liturgy prepared for

* See Lord Balmerino's depositions in the record of his State Trial, which, it is to be regretted, Dr Cook had not consulted. See note at the end of this Volume.

Scotland, as "reports of allowance given in England for printing *books of popery*,"—it presumed to "suspect a snare in the subtle junction" of the act of churchmen's apparel with that of the prerogative,—to call it "a sophistical artifice," and to add, most insultingly, "which blessed King James would never have confounded,"—it complained of the suppression of the ministers' *grievances*,—and, finally, the whole drift, and modest purpose, of this petition, full of such impertinencies mixed up with the most contradictory expressions of loyalty and humility, amounted to this, that Charles should give up the established Church, to the meaner model of a Scotch faction thirsting for democratic power. This ingenious scheme, concocted by a single lawyer out of some *conferences* he had held with *sundry* of a disappointed minority in Parliament, was entitled "The humble supplication of a great number of the nobility and other commissioners in the late Parliament." The real intention never could have been to present this to his Majesty,—at least with any other view than that of insulting and enraging him. It must have been conceived with the covert view of agitating Scotland against the King. It was to pass for the suppressed voice, of a loyal but subjugated people, against a tyrannical monarch and papistical clergy; and if the ministers joined heartily in the scheme, the nation, it was foreseen, would be revolutionized from the pulpits. In short, this insidious paper involved one of the most dangerous instances, of the statutory crime of leasing-making, that could well be imagined. Even Rothes and Balmerino thought it should be "absolutely suppressed." Yet their conduct had been most inconsistent with this declaration. Haig had given two copies to Balmerino, who confessed that he *caused his*

man copy one of them for him, and that he returned the draft to its notable contriver. The other copy Balmerino delivered to Rothes, who, "sworn upon his great oath," declared he read part of it, when going with the Earl of Cassils and Lord Yester (dissenting Lords) in coach to the King at Dalkeith, and that, "finding it of *such a strain*, and having told them that his Majesty had given him an express command to suppress all that was of that nature, the deponer and they, *all in one voice*, thought it *should be suppressed*; and the deponer did put it in his pocket." That same day, the King having taxed Rothes at Dalkeith with certain information laid against him, "he purged himself clearly to his Majesty," taking great credit to himself with the King "for suppressing all petitions of the nature of that which was moved in the time of the Parliament," and then, with ludicrous effrontery, added, that he had one of these *suppressed* petitions in his pocket, "if your Majesty be pleased to look upon it." The King replied, "It is no matter, I have no leisure, I am going to the park," where, of course, this pertinacious factionist pursued the unfortunate monarch with patronizing attentions, and jesting conversation. The petition remained in Rothes's pocket for eight days "unlooked upon by him;" but, most probably, for the inspection of the valet who dusted his clothes. He then "caused copy it by his own servant," and returned the original to Balmerino. Yet he swears that "he ever thought it fit to be supprest," and most earnestly disclaims having any concern with Mr William Haig, "of whom he had ever suspicion, because he has *ever been busy* upon such *idle and foolish toys*."

Balmerino obviously intended to make some use of the copy he had retained, for it was slightly interlined

with his own hand, as if he had been endeavouring to render some of the seditious matter less glaring and tangible. But, when examined upon oath "whether he did allow and approve the same himself in the matter and *substance*, he declares that he neither allowed nor allows the same, and declares he *condemns the same both in matter and form*." But how had he acted? In the first place, he gave it to Mr Robert Dalgleish, his own man, and desired him to take it to Edinburgh, (they being in the country) and copy it for him. Dalgleish did so, and, as might be expected, made another copy for himself. While he was in the act of copying, very opportunely "Mr William Colville, minister of the parish, came in, and read the same." Thus, what Rothes and Balmerino utterly condemned, both in matter and form, and thought should be absolutely suppressed, was, by their means, already in a fair way of *secret* circulation throughout the country. In the next place, according to Balmerino's own deposition, "Mr John Dunmure having given to him the copy of my Lord Brechin's sermon, preached at his Majesty's coronation, and Mr John having *seen the paper*, he gave it him to look upon, but to keep it to himself alone, and to show it to no other, *as he respected his Lordship's credit*." Dunmure, "deeply sworn upon his knees," declared that he took it to Dundee with him, for the purpose of forming his own opinion, which Balmerino had *requested from him*, on the subject. Now this Dunmure was Balmerino's man-of-business, and Hay of Naughton, another of Dunmure's clients, coming into his chamber in Dundee, the man-of-business requested his client to give him *his* judgment of the petition, being "well acquainted with the affairs of the kingdom." Dunmure then gave the paper into the laird of Naughton's hand, who

" began to read, and before he had ended it, he said to the deponer, ' Mr John, I intreat you heartily that I may have this paper to Naughton, that I may read it and consider it at leisure.' " So the document, under another promise of secresy, was allowed to progress to Naughton. Some time afterwards the man-of-business went to his client at Naughton, and earnestly requested him to return the paper, " who answered ' tritle, tratle, ye need not be so curious ; there was a gentleman at his own table told me that there was three copies thereof going through Fife, and my Lord Balmerino had given one thereof to Mr William Scot, another to Mr Alexander Henderson, and the third, the gentleman would not name.' " It seems that the laird of Naughton formed the very same opinion of the petition that Balmerino and Rothes had ; he thought it should be absolutely suppressed, and he acted consistently with that opinion. The poison had circulated, however, and there was but one way now of counteracting its effects, which was what Hay adopted, namely, to carry this infernal machine, so cunningly prepared against church and state, directly to the Primate of Scotland.

Had this memorable document been simply presented to the King, or displayed openly to the country, it would have been comparatively innoxious. But the mysterious and secret circulation of such a revolutionary scheme, maturing in the closet of Balmerino, or hatching in the pocket of Rothes, noblemen of whom the King entertained the " worst opinion," characterized this state delinquency, and the deep design of its conscious perpetrators. To appreciate the conduct of Balmerino, (who was properly selected as the example on this occasion,) and justly to estimate the danger apprehended by those who advised the prosecution, we

ought never to lose sight of the state of the times, or of the fact that secret combinations were then rife, and were well known to be the means constantly employed by such intriguers, whether the object was to advance some petty interests by the ruin of an individual, or the selfish designs of a political clique by the ruin of the state ;—we must keep in mind, (to recur to the expressions of Lord Napier,) " the iniquity of those times, which, for bribery, concussion of the people, and abusing of the King, no age can parallel," and which were haunted by the " evil spirits who walk betwixt a King and his people."

Charles, then, was advised, to make an example of Balmerino, the factious and ungrateful son of a traitorous father,—an advice fully justified by the results of the excitement at last triumphantly effected by the very same party, whose Covenant swept all before it, including the Throne. Balmerino received every advantage that equity could demand. He was remitted to a jury of his own countrymen, to be tried in his own country, on the statutes against leasing-making. It was ever the demand of the factious in Scotland, that their enemies should be *sent home* to be dealt with ; and it was a friend and leader of faction that now acquired what to him was an advantage, and very nearly equivalent to an acquittal. He was indicted by Sir Thomas Hope, and the libel presents a curious contrast to the opinion delivered a few years afterwards by that distinguished legal adviser of the Crown, that the Covenant, (of which the Balmerino petition was but a type or preliminary,) with all its machinery of sedition, was a legal and constitutional act. The Balmerino petition, however, this indictment characterizes, in

the name of the King, as "a most scandalous, reproachful, odious, infamous, and seditious libel;"—speaks of the "curious and furious brain of the cursed and unhappy libeller," who, it adds, "not content with these reproaches, most villanously and despitefully belcht and vomited forth against our sacred person, proceeds to a most fearful and dangerous undermining of our honour, credit, and greatest happiness, in affirming that there is now a general fear of some innovation intended in essential points of religion; albeit, blessed be God, it be certainly known to all our good subjects that we are, and in all our actings have shown ourselves to be, a most devout and religious prince, hating and abhorring, in heart and affection, all papistical superstition and idolatry." Strange to say, the Lord Advocate, who did his duty *con amore* upon this occasion, was the same who, about two years afterwards, so effectually, though secretly, aided and abetted the most seditious plot (being the *same plot*, and the *same actors*) that ever brought a country to disgrace and ruin. Every art of sedition was exerted to turn the trial of Balmerino into the triumph of democracy. The people were excited into a state of frenzy, and the lives of the judges and the jury were threatened, if they should dare to condemn the accused. It was falsely asserted against the King and his advisers, that the noblemen and gentlemen composing the assize had been secretly influenced, and packed for the purpose of securing a conviction. Besides all this tremendous machinery of faction to overawe the proceedings, Balmerino was defended by the whole strength of the bar, and the relevancy was attacked by volumes of elaborate and intricate arguments from the civil law, enough to have turned

the brains of the jury. Sir Thomas Hope, with his distinguished powers, cleared away every cloud that the bar could raise from the dust of the civilians, and displayed the statutes of leasing-making bearing irresistibly upon the nobleman he had indicted. According to Bishop Burnet, (whose general account of this trial we shall elsewhere show to be malicious and untrue,) a very extraordinary scene occurred when the jury were deliberating upon their verdict. Gordon of Bucky, a man far advanced in life, who forty-three years before had been concerned in the foul murder of the Earl of Murray, "spoke first of all, excusing his presumption in being the first that broke the silence; he desired they would all consider what they were about; it was a matter of *blood*, and they would feel the weight of that as long as they lived; he had in his youth been drawn in to shed blood, for which he had the King's pardon, but it cost him more to obtain God's pardon; it had given him many sorrowful hours both day and night; and as he spoke this the tears ran over his face; this struck a damp on all; but the Earl of Traquair took up the argument," &c. Now Traquair was not a murderer. Upon his mind there was no such awful weight of recollections, and his head was as clear as his conscience. The drivelling of a superannuated murderer,—for what else was this,—made no impression to the effect, at least, of convincing Traquair that a conscientious discharge of their duty as jurymen, even though the result were the death of Balmerino, would lay the self-same burden upon all their consciences, as that which, for half a century, had disturbed the repose of Gordon of Bucky. As foreman of the jury, he calmly recalled their attention to the *fact* upon which they had to pronounce yea or nay, and the verdict was against Balmerino by, it is said,

only a majority of one. That nobleman had been indicted as " airt and part of the penning and forming of the said infamous libel, at the least concealer and not revealer thereof;" also, " of the dispersing and divulging of the said infamous libel;" also, " of the not apprehending of Mr William Haig, whom he affirmed to be the author." The verdict was far more restricted than what the proof might have sustained, and it little justified the accusation against the jury of being subservient and venal. They only found him guilty " of the hearing of the said infamous libel, concealing and not revealing of the said Mr William Haig, affirmed by him to be the author thereof." The Lord Justice-General (Errol) declared, " that the said John Lord Balmerino has there-through incurred the pain of death contained in the acts of Parliament; suspending always the execution thereof, until the time his Majesty's will and pleasure be shown and declared thereanent; to whose sacred Majesty the manner, time, and place of the execution of the said sentence is remitted."

To overawe the justice of the King, or to rob him of the attribute of his mercy, the senseless mob had been agitated throughout to a pitch of audacity, that now threatened the lives both of the judges and the jury. But the desire of Charles, at no time, was the death of a human being. Into this present prosecution his long-sufferance had been forced by the political iniquity of Scotland, and the selection made was indicative of a lofty sense of justice, but at the same time an extreme moderation in the desire of examples. Had he been the King to carry that example to extremity,—the justice of which must have been acknowledged by civilized Europe,—it could not have been his fate to have been led to the block by his own subjects, who usurp-

ed the sword of justice, and drove mercy away. The statutes of leasing-making have been sometimes indignantly condemned as instruments of oppression and cruelty. They proved to be so, not in the hands of Charles, but in the hands of the Covenanters. A distinguished modern commentator on criminal law,* has more meekly and judiciously criticised the several enactments against leasing-makers, " a class of offenders, (he says) very fit, indeed, to be sharply reproved, but too rigorously dealt with, in being exposed to the pain of death, even if the legislature had employed more precise terms in describing their offence." None of these statutes had passed in the reign of Charles. The more recent and severe,—forbidding any one, " publickly to declare, or privately to speak or write, any purpose of reproach or slander of his Majesty's person, estate, or government, or to deprave his laws and acts of Parliament, or misconstrue his proceedings, whereby any misliking may be moved betwixt his highness and his nobility and loving subjects, in time coming, under the pain of death,"—had been passed, as a matter of absolute necessity, in the year 1585, " to repress the intemperance of *the clergy* of those times, who had indulged in violent sarcasm and invective against the King, with relation to his laws for the government of the church ;" and in 1594, it was found necessary to ratify these acts, and to extend the like pains against the insidious, frequently the more guilty, promoters of such revolutionary crimes, namely, those *hearing and not revealing* them. Did the reign of Charles afford fewer instances of the propriety of these penal statutes, or prove that it was possible effectually to legislate in more precise terms against the pens, and the tongues, and the

* Baron Hume.

cunning of democracy? If Charles had been the King to claim the head of the justly condemned Balmerino, the menaces of a faction would have been powerless against his justice, nor could so stern and determined a disposition ever have been compelled, by that very faction, to sign the death warrant of his greatest statesman. But he exercised the mercy so honourable to his nature,—mercy which *Balmerino* himself, among others, would not suffer the King to extend to Strafford. From his Majesty's own account we shall now quote the result of Balmerino's trial. "Notwithstanding the head of this family, which was first raised by our father, and then being fallen, yet raised by him again, and now relapsed, was once again brought under our axe, as it had been before brought under the axe of our royal father, we, desirous to shew ourself the true heir of none of our blessed father's virtues more than of his mercy and clemency, were contented, upon his deep protestations of loyalty for the time to come, to grant him under our great seal for that our kingdom, not only a pardon of that crime of which he stood convicted, but also his liberty and enlargement; which gracious pardon of ours, when it was delivered to him by our council, who sent for him, being then prisoner in the Castle of Edinburgh, he did before that table receive on his knees, with the highest magnifying of our mercy, with the humblest acknowledgments of those infinite obligations, by which he and his family stood for ever engaged in the service of us and our crown, with the deepest protestations of all loyal, quiet, and peaceable deportment of himself even hereafter, and of bending all his endeavours to attend upon all our loyal courses and commandments, so that our council remonstrated unto us that we had bestowed our mercy and grace upon a man, of whom

there could not be the least suspicion of his averseness from our service at any time hereafter, but of whom they might safely promise all forwardness and alacrity in all our just courses, whensoever it should please us to use him. And now this same pardoned Lord Balmerino, being one of the chief contrivers and most malicious prosecutors of this wicked Covenant made against us and our authority, how he can be able to answer it to God, us, and our crown, his own conscience, or to the world, even in the point of honour and reputation, it must be left to the world to judge."

The history of "this wicked Covenant,"—and if lawless designs, and cruel deeds, perpetrated under a false though specious exterior of religion and patriotism, be sins, the Covenant was indeed very wicked,—we shall have to trace in recording the life and death of MONTROSE.

CHAPTER I.

MONTROSE—HUNTLY—HAMILTON—ARGYLE.

MONTROSE was not more than fourteen years of age, when his father, John third Earl of Montrose, died unexpectedly upon the 24th of November 1626.* It must have been from this date to the time of his first going abroad, about the commencement of the year 1633, that the young Earl found in Lord Napier "a most tender father;"† and, if we may judge from the intellectual accomplishments which not even his stormy destiny could altogether suppress or conceal, and of which we shall be able to afford proofs hitherto unnoticed, there can be no doubt that the greatest pains had been bestowed upon his education. It is said that, being an only son, he was advised to marry at a very early period of his life, and that he did so is apparent from the fact of his eldest son being sixteen years old, when, to the great grief of Montrose, he died at Gordon Castle early in 1645.‡ The lady whom Montrose married was Magdalene, a daughter of

* We are told by Dr Wishart that Montrose was in his thirty-fourth year when he quitted Scotland for Norway, in the month of September 1646; and from other expressions in the same work it would appear that he was born about the close of 1612, or the commencement of the following year.

† Wishart.

‡ "4th March 1645. Ye heir how Montrois cumis to the Bog (of Geicht, now Gordon Castle.) His eldest son, the Lord Graham, wes in his company, a proper youth, about 16 yeiris old, and of singular expectation. He takis seikness, deis in the Bog in a few dayis, and is bureit in the kirk of Bellie, to his fatheris gryt greif."—*Spalding.*

Lord Carnegy of Kinnaird, afterwards first Earl of Southesk. Crawford, the peerage writer, (who obtained materials, for his account of the title, from the Montrose family, before the year 1714,) tells us that this early marriage interrupted Montrose's studies, but that afterwards he had good masters at home, and applied himself with such success, "that in a very little time he became not merely a great master, but a critic in the Greek and Latin." Certainly he had been a diligent student at some period of his life, and when we consider how soon he entered those stormy scenes that left him but little opportunity for such attainments, we must be satisfied that his boyhood was not spent in idleness.

To finish the education so well commenced, Montrose proceeded to the continent, where he remained only for a few years. A contemporary writer,—whose name has not come down, but who says of himself, that he followed Montrose in several of his expeditions,*—gives this account of his travels. "In his younger days he travelled France and Italy, where he made it his work to pick up the best of their qualities necessary for a person of honour. Having rendered himself perfect in the academies, his next delight was to improve his intellectuals, which he did by allotting a proportionable time to reading and conversing with learned men, yet still so that he used his exercise as he might not forget it. He studied as much of the mathematics as is required for a soldier, but his *great study was to read men, and the actions of great men.* Thus he spent *three years* in France and Italy, and had surveyed the rarities of the east, if his domestic affairs had not obliged

* "A Relation of the True Funerals of the great Lord Marquis of Montrose in the year 1661," printed, from the original manuscript, in the appendix to the translation of Dr Wishart's Latin History, edition 1720.

his return home, which chanced at that time the late Rebellion began to peep out." This is a more pleasing picture, of the manner in which Montrose was occupied when abroad, than we obtain from Bishop Burnet, who corroborates, however, the account both of our hero's learning and his travels. He says that the Earl of Montrose was "a young man well learned, who had travelled, but had taken upon him the part of a hero too much, and lived as in a romance, for his whole manner was stately to affectation."* As this portrait, however, might convey a more favourable opinion than the malicious Bishop intended, he qualifies it by the information, that, "when Montrose was beyond sea he travelled with the Earl of Denbigh, and they consulted all the astrologers they could hear of; I plainly saw the Earl of Denbigh relied on what had been told him to his dying day, and the rather because the Earl of Montrose was promised a glorious fortune for some time, but all was to be overthrown in conclusion." The alleged accuracy of this prediction is not bad evidence that it never occurred, and there is probably more of malicious detraction in the spirit with which Burnet retails it, than superstitious reliance on the truth of his anecdote. The difficulty of discovering any prominent vices in the character of Montrose has rendered his political enemies, of all eras, vaguely extravagant in their terms of abuse, and somewhat puerile in their anecdotes of detraction. Conscious that the unprejudiced would still be apt to admire him as a generous hero, though designed a "bloody murderer and excommunicated traitor," such writers have laboured to trace his best qualities from impure sources, and to annihilate the ab-

* Burnet's History of his own Times, p. 51, Oxford edition, 1823, with the suppressed passages.

horred idea of his heroism, by imputing his most brilliant actions to impulses derived entirely from selfishness or superstition. But we shall not pretend to doubt the assertion of another historical gossip, that Montrose's "mother consulted with witches at his birth,"* when we remember that that mother was sister to the necromantic Earl of Gowrie ;† though we may be permitted to slight what is added by the same chronicler, that Montrose's "father said to a gentleman who was sent to visit him from a neighbour Earl, that this child would trouble all Scotland; he is said also to have *eaten a toad while he was a sucking child.*"‡

* Scot of Scotstarvet, MS. see before, p. 52.

† Lady Margaret Ruthven, eldest daughter of William first Earl of Gowrie, and sister of John third Earl, the hero of the Gowrie conspiracy.

‡ Scotstarvet must have thrown this mud at random; for in an old contemporary MS. of the times of Mary, (in the hands of Mr Macdonald of the Register-House) being a historical defence of that unfortunate queen, the same anecdote is thus told of the *Regent Morton:* "Morton had credite at the Courte, being left there by the traitoures to give intelligence how all maters past there, and how to betray his Mistres; for they could not chuse a more fitte man than him to do such an act, who from his very youth had been renouned for his treacherie, and of whome his own father had no good opinion in his very infance; for at a certane time his nurse coming foorth with him in a garden where his father was, with some that had come to visite him, busie in talk, the nurse setting down the childe on the greene grasse, and not much mindinge him, the boy seeth a toade which he snatched up, and had eaten it all till a little of the legges; which when shee saw, shee cried out, thinking he shoulde have been poisoned; and shee taking the legges of the toade that he had left as yet on-eaten, he cried out so loude and shrill, that his father and the other gentlemen, who were not far, heard the outcries, who sent to see what should be the cause; and when the messinger returned and told the mater as it happned, in all haiste he come where his son was, and, understanding as it was, he caused give the legges also, which he greedilie ate up also; which the father seeing said, the Dewill chewe thee, or burste thee, there will never come goode of thee. As he prognosticated so it happned, for after, he was beheaded at Edinburgh, attainted, and found guiltie of heigh treason for the murder of the King his maister." Whether, this be a fable in regard to Morton also, we leave to those who may write his life.

It would be a fact of greater interest to establish that Montrose, when in France, "became passionately attached to the military profession, and accepted a commission of captain of the Royal Guard of Louis XIII."* Several modern writers have recorded without expressing any doubt as to this interesting circumstance. That Montrose's innate love of arms and heroic adventure had been first stirred by visiting the warlike nations of the continent, in the age too of Gustavus Adolphus, may readily be believed; and the manly accomplishments, and military capacities, which so soon distinguished him at home, indicate that when abroad he had studied to perfect himself for the field. But he could not have been much more than twenty-two years of age when he returned to Scotland, about the commencement of the year 1636; he was only three years abroad, during which time he was travelling, and it seems that he meant to have visited the east, had his presence not been required in Scotland. Yet some contemporary historians have even asserted that Montrose *commanded* the Scottish Guard in France. Sanderson, in his Life of Charles I., (printed only eight years after the death of Montrose,) speaks of that nobleman's "return from his travels in France, where he had command of the Scots Guard." Heylyn in his curious remarks (printed two years earlier than Sanderson's work) upon Hammond L'Estrange's History of the Reign of Charles I., also records Montrose's "return from the court of France, where he was captain, *as I take it*, of the Scottish Guard." The command alluded to must have been of that illustrious body, so famous in the romance of history, sometimes called the Com-

* Lodge. D'Israeli, also, records the same as a certain fact.

pany of Scottish Archers, whose high privilege it was to guard the person of the King of France. Arising out of the ancient league between Scotland and France, to protect their respective territories from the pretensions of England, this corps of alliance, memorable in many a bloody field, became the representative of the kingdom of Scotland in France, where, indeed, our nation showed more chivalrous than at home. Bossuet, in his eloquent funeral oration over Henrietta Maria, identifies the Archer Guard with Scotland, in a remark, the severity of which is certainly not applicable to Montrose. The Scotch, he says, in whose hands the King of England placed himself, gave him up to the Parliamentarians, and thus the *faithful guards of our Kings betrayed their own!* *

There is a circumstance in the history of the Scottish Guard which may account for Heylyn's surmise, and at the same time afford the most probable theory of Montrose's first departure from his native country. Before the time of Louis XIII. the guard had lost much of its Scottish exclusiveness, with the concomitant honour and privileges to that nation, and French noblemen aspired to, and obtained, the distinctions that still nominally belonged to Scotland. From some original papers on the subject it appears that James VI. was induced to interpose his personal demand to have the guard restored to its pristine glory in France, or that it should no longer be identified with his kingdom. This happened in the years 1611 and 1612, when Mary de Medicis was Regent of France. In 1624, her son, Louis XIII. appears to have been very anxious to derive this aid

* "Les Ecossois, à qu'il se donne, le livrent aux Parliamentaires Anglois—et les gardes fidelles de nos Rois, trahissent le leur."—*Oraison Funebre de Henr- Marie de France.*

from Scotland upon its original footing. He granted his patent, dated 19th April in that year, of the "command of a company of a hundred men at arms, vacant by the death of its former commander the late Duke of Lennox," to George Lord Gordon, eldest son of the Marquis of Huntly. This Lord Gordon was the nobleman to whom Montrose, when first in arms for the Covenant, was opposed in the north of Scotland, who was said to have afterwards entertained a fatal jealousy of Montrose in their loyal career, and who finally suffered death in the same cause, about the same time. It appears by various letters, from about the date of this patent to the year 1637 inclusive, that the King of France had long ardently desired the presence of Lord Gordon and his company, which was organized in Scotland. Hitherto it has been recorded that this nobleman passed over to France, with his brilliant cortege, in 1624, the date of his commission, in which case Montrose was too young to have accompanied him. But that he did not do so until the year 1633 is proved from the tenor of the correspondence alluded to, and the occasion was after Louis had resolved to aid the united princes of Germany against the house of Austria. A contemporary manuscript history of the family of Gordon says, that young Huntly "conducted with him from Scotland the bravest company of Scotch gens d'armes that ever had been seen in France, all of them gentlemen, and the Baron Gray, one of the most ancient barons in Scotland, for their lieutenant."* The letter of Louis, in which he appoints Lord Gray to be Lieutenant, in consequence of the demise "*du feu Sieur de Gourdon*," is preserved with the rest.

* Manuscript History of the Family of Gordon. *Advocates' Library.*

Thus it appears to be distinctly proved that Montrose held neither the principal nor the subordinate command of those men-at-arms, nor is there any reason to suppose that he served at all with them. It was not until the year 1637 that their distinguished commander came over to Scotland, apparently for the purpose of recruiting the guard; but his father, the old and sorely persecuted Marquis, dying about the time, and the insurrections commencing in Scotland, young Huntly never returned to his command abroad.* The doubtful remark of Heylyn may very possibly have arisen from some confusion of Huntly's early history with that of Montrose. Upon a comparison of dates, however, it appears most probable that the two noblemen passed over to France together in 1633,—an interesting circumstance when we reflect upon their future fates.† The Scottish Guard immediately distinguished itself in Lorrain and Alsace; and the young Lord Gordon, who accompanied his father, "was wounded in the thigh at the storming of Spire, valiantly fighting upon the breach of the wall, with his pike in his hand, and never gave

* The commission to Huntly, and the French King's correspondence with him, whom he addresses "à Monsieur le Marquis de Gourdon, Capitaine de ma campagnie d'hommes d'armes Ecossois," are printed in the appendix to a History of the family of Gordon, by William Gordon of old Aberdeen. The work is scarce, and appears not to have been consulted by the various writers who have noticed imperfectly and inaccurately Huntly's passing with this company to France.

† There is in the Montrose charter-chest, a mutual discharge of all actions betwixt James Earl of Montrose, with consent of his curators, and John Earl of Perth, dated at Edinburgh, 22d October 1632. In the Lord Lyon's list of noblemen attending Charles I. in Scotland at his coronation in the month of June 1633, the name of Montrose is given with the word *absent* after it, both in the pageant and the Parliament. Now, it was early in 1633, being the intermediate date, that Lord Gordon went over to France with his company.

over till the city surrendered."* This was the same gallant youth who commanded the left wing of the loyal army at the battle of Alford, and whose death there so sadly clouded the success of Montrose.

The "thirty years war," then, was the school of arms, and its heroes the chivalry, by whose fame at least, if not in actual service with them, Montrose first felt awakened within him the lofty and warlike longings which, Burnet tells us, made him "take upon him the part of a hero too much," though the Bishop will allow no purer source of that demeanour than the fact of having hunted astrologers with the Earl of Denbigh. Montrose returned to Scotland about the close of 1635, or the commencement of the following year, when he met with a reception from Charles I. to which alone has been generally ascribed the most mistaken step of our hero's subsequent career. But before narrating this anecdote, we must notice another nobleman, whose character and conduct exercised a fatal influence in all that befel the King, Huntly, and Montrose.

The excellent Sir Philip Warwick, speaking of that prudent Marquis of Hamilton who was the minister of King James, adds, "he had two sons, James and William, neither of them so graceful persons as himself, and both of some hard visage, the elder of a neater shape and gracefuller motion than his brother; however, I was in the presence-chamber at Whitehall, when, after his father's death, he (the elder) returned from his travels, and waiting on the King from chapel with great observance, and the King using him with great kindness, the eyes of the whole Court were upon the young man. His hair was short, and he wore a little black

* Hist. of the Family of Gordon.

callot-cap, which was not then usual, and I wondered much that all present, who usually at Court put the best character upon a rising man, generally agreed in this, that the air of his countenance had such a cloud on it, that nature seems to have impressed *aliquid insigne*, which I often reflected on when his future actions led him first to be suspected, then to be declaimed against. I have lately seen the memoirs of a countryman of his,* who is master of a very good pen, and who hath represented this great man by a light which few others, either of his own nation or ours, discovered him by. Willingly I would sully no man's fame, especially so eminent a person's, for to write invectives is more criminal than to err in eulogies. As for myself I was known unto him and ever civilly treated [by?] him; however, I must concur in that general opinion, that naturally he loved to gain his point rather by some *serpentine* winding, than by a direct path, which was very contrary to the nature of his younger brother (Lanerick) of whom that gallant, loyal peer, the Earl of Montrose, was wont to say, that even when this gentleman was his enemy, and in arms against the King, he did it open-faced, and without the least *treachery*, either to his Majesty, or any of his ministers,—a character worthy of a great man, though deflecting from duty."†

A curious glimpse of Hamilton has already been afforded, exciting a smile from his admiring master during an angry discussion at the councils of Scotland,—"My Lord Chancellor, how can there be such neglect as you speak of, since I know they had almost put my

* Bishop Burnet's Memoirs of the House of Hamilton.

† Sir Philip Warwick's Memoirs of the Reign of Charles I. p. 111.

mother to the horn for forty shillings Scots! whereat the King smiled."* His mother was the noted Lady Ann Cunningham, of the right covenanting breed, being a daughter of the Earl of Glencairn. This lady was the unrivalled leader of the female church-militant in Scotland. Her officers were the Nicholas Balfours, Eupham Hendersons, Bethia and Elpsa Craigs, and other "godly matrons" of the Covenant. Her veteran guards were such as the stool-propelling Jenny Geddes, and her light troops, the "serving-maids" recorded so exultingly by Robert Baillie as the first victors against Episcopacy. The Marquis was about ten years older than Montrose, and from boyhood had obtained that ascendency over the affections and judgment of Charles which enters so deeply into the history of the times. The control exercised by the mysterious "serpentine" Hamilton, was not less pernicious to the country and the King, than had been the influence of Buckingham. In secret, and while, perhaps, only contemplating petty and selfish results, his deceptive and wavering conduct sapped the foundations of the throne itself. Burnet has most artfully laboured to gain for him greater favour with posterity than he deserves. But Clarendon, in a single sentence, throws more light upon the Marquis's character: "His natural darkness (he says) and reservation in discourse, made him be thought a wise man, and his having been in command under the King of Sweden, and his continual discourse of battles and fortifications, made him be thought a soldier; and both these mistakes were the cause that made him be looked upon as a worse and more dangerous man, than, in truth, he deserved to be." He has, indeed, been suspected of designs in his

* Introductory Chapter, p. 30.

political life, probably beyond the range of his vice, and certainly above the flight of his daring. Clarendon, however, throughout his history, appears to have formed precisely the same estimate, of this favourite's sincerity and patriotism, that Sir Philip Warwick had done. Vandyke has handed him down to posterity, sheathed in bright armour, and grasping his baton, as if he had led the Archer Guard of France, and saved the Crown at home. Alas, he added nothing to the loyal chivalry of his princely house, and when he discoursed of battles, and of Gustavus Adolphus, the characteristic which Burnet attributes to Montrose, may be justly transferred to his insidious enemy, as being one who took upon himself the part of a hero *too much*. In all his warlike expeditions, not very numerous, but most unhappily conspicuous, he exhibited failures scarcely conceivable (considering the occasions and his resources) in a nobleman who behaved with becoming dignity on the scaffold, and touching whose personal courage the severest remark ever made was that uttered by his long-trusting, long-suffering master, when he told the Earl of Lanerick, that he believed *him* to be an honest man, but that he thought his brother (the Marquis) had been very active in his *own* preservation.*

It is not surprising that one of Hamilton's dispositions should have felt some uneasiness at the idea of a rival like the young Earl of Montrose, returning from the seat of war, as Heylyn expresses it, " in the flower and bravery of his age." Of Montrose, too, we are so fortunate as to have transmitted to us a minute personal description. " I shall acquaint you (says the contemporary already quoted) with both what I know my-

* A Relation of the Incident, 1641, by Lord Lanerick. Hardwicke's State Papers, Vol. ii. p. 299.

self, having followed him several years in his expeditions, and what I have learned from others of good name and credit. He was of a middle stature, and most exquisitely proportioned limbs, his hair of a light chestnut, his complexion betwixt pale and ruddy, his eye most penetrating, though inclining to gray, his nose rather aquiline than otherwise. As he was strong of body and limbs, so he was most agile, which made him excel most of others in those exercises where these two are required. In riding the great horse, and making use of his arms, he came short of none. I never heard much of his delight in dancing, though his countenance and other his bodily endowments were equally fitting the court as the camp." *

Montrose's father had been president of the council; his grandfather high treasurer, chancellor, and finally viceroy of Scotland; his ancestors, of royal descent, were distinguished by every circumstance most likely to recommend their representative to the King; and his own personal accomplishments were such as to plead yet more powerfully in his favour. To ingratiate himself with such a monarch as Charles, could not fail to be Montrose's first desire on returning from his travels, and he was well entitled to expect to succeed by no

* Dr Wishart describes Montrose in similar terms: "He was not very tall, nor much exceeding a middle stature, but of an exceeding strong composition of body, and an incredible force, joined with an excellent proportion and fine features. His hair was of a dark-brown colour, his complexion sanguine, of a quick and piercing gray eye, with a high nose, somewhat like the ancient sign of the magnanimity of the Persian kings. He was a man of a very princely carriage and excellent address, which made him be used by all princes, for the most part, with the greatest familiarity. He was a complete horseman, and had a singular grace in riding. He was of a most resolute and undaunted spirit, which began to appear in him, to the wonder and expectation of all men, even in his childhood."

more elaborate art than appearing at Court. It is not unlikely to be true, however, that he had been "advised to make his way by the Marquis of Hamilton." The Earl of Denbigh, who, according to Burnet, was Montrose's travelling companion, was the Marquis's brother-in-law, and probably suggested this channel of preferment. There can be little doubt that Montrose met with a repulse from the King owing to the art of the favourite, the fact being alluded to by various contemporary historians, among whom Heylyn, both in his Life of Laud, and in his Commentary upon L'Estrange, gives the following particulars, which are completely corroborated by the whole of Hamilton's subsequent conduct.

"The reason (says Heylyn) of James Earl of Montrose adhering to the Covenanters, as he afterwards *averred unto the King*, was briefly this: At his return from the court of France, where he was captain (as I take it) of the Scottish Guard, he had a mind to put himself into the King's service, and was advised to make his way by the Marquis of Hamilton, who, knowing the gallantry of the man, and fearing a competitor in his Majesty's favour, cunningly told him that he would do him any service, but that the King was so wholly given up to the English, and so discountenanced and slighted the Scottish nation, that, were it not for doing good service for his country, which the King intended to reduce to the form of a province, he could not suffer the indignities which were put upon him. This done he repairs unto the King, tells him of the Earl's return from France, and of his purpose to attend him at the time appointed, but that he was so powerful, so popular, and of such esteem among the Scots, by reason of an old descent from the royal family, that, if he were not nipped

in the bud, as we used to say, he might endanger the King's interests and affairs in Scotland. The Earl being brought unto the King, with great demonstration of affection on the Marquis's part, the King, without taking any great notice of him, gave him his hand to kiss, and so turned aside; which so confirmed the truth of that false report which Hamilton had delivered to him, that in great displeasure and disdain he makes for Scotland, where he found who knew how to work on such humours as he brought along with him, till, by seconding the information which he had from Hamilton, they had fashioned him wholly to their will."*

The disgust which Charles had conceived at the Rothes party in Scotland, and the circumstances which occasioned that disgust, have been noticed in our introductory chapter. Most probably Hamilton had taken advantage, of the King's disposition to evince upon every opportunity a marked discountenance of all who adhered to that faction, to persuade Charles that Montrose was to be a leader among those turbulent nobles. Be this as it may, such a reception of a young nobleman, as yet only distinguished for every personal attraction, must have been as remarkable, as it was mortifying to its object. Sir Philip Warwick tells us, that Charles "with any artist or good mechanic, traveller, or scholar would discourse freely;" and he also records this trait of the King's affectionate character, that "whenever any young nobleman, or gentleman of quality, who was going to travel, came to kiss his hand, he cheerfully would give

* This is from Heylyn's Remarks upon L'Estrange, p. 205. In his Life of Laud he tells the same story, but omits the surmise of Montrose's commanding the Guard of France. It will be observed, as noticed in our introductory chapter, that Heylyn obtained some materials for his Life of Laud from Lord Napier. Sanderson and Whitelock both allude to the circumstance narrated by Heylyn.

them some good counsel leading to moral virtue, especially to good conversation, telling them that if he heard they kept good company abroad, he should reasonably expect they would return qualified to serve him and their country well at home." Were it not for the explanation given by Heylyn, we might almost suppose, that Charles had now determined to select his favourites by a rule contrary to that which had elevated Villiers. The hard visage, little black callot-cap, and puritanically cropt hair of the young Marquis of Hamilton, had found favour in the sight of the King whose own "love-lock" became the theme of puritanical scurrility. And there was another young nobleman, generally described as of mean stature, with red hair and squinting eyes, whom the King had already regarded most graciously, admitted to his councils, and loaded with favours. This was Archibald Lord Lorn, afterwards Earl, and Marquis of Argyle,—the coward, *par excellence*, of his times,—one who through life, but ever at a distance, watched and followed Montrose with sinister and deadly aspect. Argyle was the snake in the grass to his sovereign, as Hamilton was "the serpent in the bosom." Montrose, says Clarendon, "had always a great emulation, or rather a great contempt of the Marquis of Argyle, (as he was too apt to contemn those he did not love,) who wanted nothing but *honesty and courage* to be a very extraordinary man, having all other good *talents* in a very great degree." The same noble author also remarks of these rivals, that "the people looked upon them both as young men of unlimited ambition, and used to say, that they were like Cæsar and Pompey, the one would endure no superior, and the other would have no equal." *De Retz* confirms the comparison as regards Montrose,—the parallel be-

twixt Pompey and Argyle would be more difficult to illustrate. The old Earl of Argyle had embraced the Roman Catholic faith, and the King, never papistically inclined, commanded him to divest himself of his vast territorial rights, in favour of his son, reserving only a competency for his own life. Lorn, Clarendon tells us, had provoked his father by "disobedience and insolence;" and the old Earl meditated such a disposal of the property as threatened his representative with impoverished titles. Charles, to save the family, made that arrangement which banished the father, and extorted from him those memorable and prophetic sentences,—"'he would submit to the King's pleasure, though he believed he was hardly dealt with;' and then, with some bitterness, put his son in mind of his undutiful carriage towards him, and charged him to carry in his mind how bountiful the King had been to him, which yet he told him he was sure he would forget, and thereupon said to his Majesty, 'Sir, I must know this young man better than you can do; you may raise him, which I doubt you will live to repent, for he is a man of *craft*, *subtilty*, and *falsehood*, and can love no man, and if ever he finds it in his power to do you mischief, he will be sure to do it,'"—a prophecy fulfilled to the very letter.

But it was fated that Charles should trust Hamilton and neglect Huntly, elevate Argyle, and discountenance Montrose,—and that one and all of them should perish on the scaffold.

CHAPTER II.

WHEN AND WHY MONTROSE JOINED THE COVENANTERS.

HOWEVER probable it may be that Montrose would not have been so far misled as he was by the democratical party in Scotland, had the King attached him to his person, instead of repulsing him from court, it is a mistaken idea, though generally assumed for a fact, that in the fever of his disappointment, and without any better impulse, he had on the instant become bitterly opposed to the measures of the King.* Let us glance at the history of the sudden combustion in Scotland, which brought on the great Rebellion, and mark, as precisely as we can, the time and the occasion when Montrose joined the ranks of the insurgents.

Guided by the policy of Laud, Charles at length determined to effect the long-meditated scheme of ecclesiastical uniformity throughout his dominions. The book of Canons was circulated by authority in Scotland in the year 1636. The interval betwixt the promulgation of the Canons, and the appointment of the liturgy in the month of July 1637 was employed, by the fomenters of discontent in Scotland, as a period of secret agitation, during which they laboriously infused into the minds of the people ideas that the laws

* Even D'Israeli, doing injustice to his own brilliant and critical Life of Charles, no less than to the character of Montrose, by so loose an assertion, thus gives it: "The slighted and romantic hero, indignant at the coldness of that royalty which best suited his spirit, hastened to Scotland, and, *threw himself*, in *anger and despair*, into the hands of the Covenanters."—Comment. Vol. p. iv. 15.

of the country were about to be infringed, and the Protestant religion on the eve of being forcibly supplanted by Popery,—the same false view of the King's intentions, that, for a like factious purpose, had been propagated against the tithe policy. The scheme of uniformity in the Protestant worship of the kingdom was, in itself, rational and praiseworthy, not originating with, but inherited by, Charles. The attempt, however, was ill timed, and worse conducted, and resistance to it in Scotland might have claimed some admiration, as well as sympathy, had that resistance been the natural and unanimous expression of a rational feeling, or had it possessed one feature which deserves to be regarded with other sentiments than disgust. The people of Scotland, though, as Malcolm Laing well observes, "seldom distinguished for loyalty," were not, generally speaking, anti-monarchical, nor were they disposed, says Clarendon, to enter into "a bare-faced rebellion against their King, whose person they loved, and reverenced his government;" nor, he adds, "would they have been wrought upon towards the lessening the one or the other, by any other suggestions or infusions, than such as should make them jealous, or apprehensive of a *design to introduce Popery*, their whole religion consisting in an entire detestation of Popery, in believing the Pope to be antichrist, and hating perfectly the persons of all Papists." A false alarm of Popery was, indeed, the great lever of insurgency in Scotland, and the better suited for the purposes of those who used it, that the enlightened monarch was capable of regarding it, at the time, as nothing else than what the Church of Scotland herself now admits it to have been,* namely, a

* See "Popular Reflections on the progress of the Principles of Toleration, and the reasonableness of the Catholic claims, by a Protestant,"

senseless clamour, raised by faction, and echoed by ignorance.

If Montrose's only reason for joining this agitation was a feeling of rancour against the King, it may be supposed that he would have embraced the earliest opportunity of revenge, by mingling in the first storm that arose against the Episcopal measures. Unquestionably there was in his disposition none of the close cunning, so characteristic of Hamilton and Argyle. Montrose was fearless, open, and even rash in obeying and avowing all his impulses; and it is scarcely to be credited that had his motives for allying himself to the turbulent inventors of the Covenant, been purely vindictive, such a nature as his would have required to be craftily worked upon, even after Scotland was in a blaze. We may trace in the contemporary chronicles of the period, especially in the letters and papers of the well-known Robert Baillie, afterwards Principal of the College of Glasgow, the rise and progress of the revolt of Scotland, and we shall find that Montrose, though seduced and deceived by Rothes, and others of the faction, never, properly speaking, belonged to that faction, or was fully cognizant of their deep designs.

Baillie,* writing to Mr Spang, (minister of the Scots congregation in Holland) 29th January 1637, immediately after the royal proclamation of the service-book, makes one of those frank admissions which, from a clerical covenanting historian, cuts so deep. He says, that both sides of the "pitiful schism" by which he sup-

quoting addresses of the General Assembly of the Kirk of Scotland, in 1813, *to the throne* in favour of their *Catholic brethren.*

* For the perusal of the manuscript collection of Baillie's Letters and Journals, as well as the printed abridgement, I am indebted to the Rev. Dr Lee.

poses his church is about to be divided, are to blame; "the one puts *idolatry, Popery, superstition*, in sundry things which are innocent of these faults; they speak of the persons and actions of men *otherwise than becomes*, * * * the other seems wilfully to add fuel to their flame, to command upon sole authority, without ever craving the advice of any, so far as we can hear, if such things be expedient, yea if they be lawful,"—a view of the whole matter which happens precisely to coincide with Clarendon's statement of the seditious fanaticism of the Covenanters, and the overbearing Episcopal policy of Laud. The contents of "the Book," we learn from the same covenanting source, are canvassed before they are known or understood, and pronounced to be a popish ceremonial illegally imposed,—"in a word, that it was nought but the mass in English, brought in by the craft and violence of the bishops, against the mind of all the rest, both of church and statesmen." It is remarkable, considering the previous history of the Church of Scotland, how much laborious agitation it cost the Rothes faction, and the clergy, their instruments, to rouse the tumultuous portion of the community, even with all the advantage obtained from Laud's mismanagement. The violent burst against the service-book was far from being a spontaneous or general impulse of the people,—"these things (that the liturgy was just the mass in English, &c.) *sounded from pulpits*, were carried from hand to hand *in papers*, were the table-talk and open discourse of high and low."* With all this preparatory agitation, when the royal order, for reading the new service, on Sunday 23d July 1637, was attempted to be fulfilled, in St Giles' Church by the Bishop and Dean of Edinburgh, and in the

* Baillie.

Grayfriars by the Bishop of Argyle, the people were passive, we may say to a man. But "incontinent the *serving maids* began such a tumult as was never heard of since the Reformation in our nation."* Baillie was not present but came to Edinburgh the day after "that foul day,"† the miserable details of which have been fully and frequently recorded to the disgrace of Scotland, and her church.

The privy-council, in their letter to the King, characterized the resistance as "that barbarous tumult, occasioned solely, for any thing we can learn as yet, by a number of base and rascally people." But it appears that Sir Thomas Hope, his Majesty's advocate, and one of the councillors who sign this very report, could have told a different story. "This tumult (says Bishop Guthrie) was taken to be but a rash emergent without any pre-deliberation, whereas the truth is, it was the result of a consultation at Edinburgh in April, at which time Mr Alexander Henderson came thither from his brethren in Fife, and Mr David Dickson from those in the west country, and those two having communicated, to *my Lord Balmerino* and *Sir Thomas Hope*, the minds of them they came from, and gotten their approbation thereto, did afterwards meet at the house of Nicholas Balfour in the Cowgate, with Eupham Henderson, Bethia and Elspa Craig, and several other matrons, and recommended to them that they and their adherents might give the first affront to the Book, assuring them that *men* should afterwards take the busi-

* Baillie; who thus exultingly records the anniversary of the second Reformation of the kirk:—"This day twelvemonth the serving-maids in Edinburgh began to draw down the Bishops' pride, when it was at the highest, being July 22d 1637."

† Baillie.

ness out of their hands,"—which, accordingly, the matrons undertook to do. Some have affected to treat this story as a gratuitous invention by Bishop Guthrie. Dr Cook attributes the riots, (which, however, he cannot restrain himself from calling "atrocities from which men not destitute of religious impressions, would naturally have shrunk,") to a conscientious persuasion, "that they were engaged in the cause of religion, and were contributing to purify those temples which apparently they profaned."* Bishop Guthrie, however, is not only generally corroborated by the admissions of Baillie as to the systematic outrages committed by the *women*, but the fact that the ebullitions of popular fury were arranged before-hand by the *leaders* of the faction, who pretended to disclaim the riots, is sufficiently proved by an original and anonymous letter, to that noted character Mr Archibald Johnston, the son of *Elspa Craig*,—the clerk of the Assembly—the procurator of the church,—the framer of the Covenant—the pillar of the cause—and, finally, *created a Peer by Cromwell!*

"Dear *Christian* brother, and *courageous* Protestant," says this worthy's anonymous correspondent, "upon some rumour of the Prelate of St Andrews coming over the water, finding it altogether *inconvenient* that he or *any of that kind*, should show themselves *peaceably* in public, some course was taken how he might be *entertained* in such places as he should come unto. We are now informed that he will not come, but that Brechin is in Edinburgh or thereabout. It is the *advice of your friends there*, that, in a *private way*, some course *may be taken for his terror and disgrace*, if he offer to *show himself* publicly. Think upon the

* Dr Cook's History of the Church, Vol. ii. p. 378.

best way, by the advice of your friends there. I fear that their public appearance at Glasgow shall be prejudicial to *our cause*. We are going on *to take order* with his chief supporters here, Glaidstanes, Scrymgeour, and Haliburton. So, wishing you both protection and direction from your Master,* I continue your own, *whom you know*, G. 26th October 1638."

It has never been hinted that Montrose had any hand in this mean and atrocious organizing of insurrection. He had no secret sympathies with the party whom he joined. He was not of the Rothes school of politics, although it was Rothes who seduced him. It is nowhere pretended that his disaffection had any thing to do with previous factions. Neither does Baillie name Montrose until after the period when, we shall find, he was first "brought in" † by the faction of the Covenant.

The power and ascendency of the mob having been thus cautiously ascertained,—and so successfully that, says Clarendon, "by the time new orders came from England, there was scarce a bishop left in Edinburgh, and not a minister who durst read the liturgy in any church,"—a new scene opened in the drama of democracy. Nor yet in this second scene shall we find Montrose.

The distracted and divided privy-council, too incongruously composed to act upon any determined plan of co-operation for protection of the King's authority, were assailed by petitions, or supplications, as they were

* Meaning the Almighty! This letter (which we take from the original in the Advocates' Library) is printed by Hailes in his Memorials and Letters relating to the reign of Charles I. It appears to have escaped the observation of those who deny the secret organizing of the tumults, and reject with scorn the testimony of Bishop Guthrie.

† Baillie.

termed, to suspend the imposition of the service-book. The 20th September 1637, a convention was assembled, at which noblemen and gentlemen now ventured to appear, commissioned from various shires and burghs to present petitions against the Book, in the name of their constituents, who asumed the designation of *supplicants*. "The oracle," says Bishop Guthrie, "whom the supplicants consulted anent the legality of their proceeding was Sir Thomas Hope, his Majesty's advocate, who, though he professed to have no hand in the business, being the King's servant, yet, in the meantime, privately laid down the grounds and ways whereby they were to proceed; and that he might not be remarked, pitched upon Balmerino and Mr Henderson to be the men who, from time to time, should come to him and receive his overtures." First and foremost to this convention came the needy and dissolute Earl of Rothes. With him came Cassils, Eglington, Home, Lothian, and Wemyss, Lindsay, Yester, Balmerino, Cranston, and Loudon, accompanied by ministers and burgesses from Fife and the western shires. Their supplications were too respectfully received by the privy-council; and the excellent Duke of Lennox, who had just arrived in Scotland to attend his mother's funeral, was burdened with the odious task of representing the business fully to his Majesty. The council dissolved, but the supplicants still held meetings for the purpose of organizing sedition, not being quite satisfied with their numerical demonstration. Various districts were allotted to the most active of the ministers attached to the faction, in which they were enjoined, not to preach Christianity, but to agitate—agitate—agitate.*

* "It was laid upon Mr Henry Pollock to *deal with* those of Lothian,

Upon the 17th of October 1637, Balmerino and Loudon, with their clerical agitators, Dickson and Henderson, were intrusted with a new step in the insurrection, much beyond a petition against the liturgy. This was "to draw up a formal complaint *against the bishops*, as authors of the Book, and all the troubles that had been, or was like to follow upon it." Baillie adds, "that night these four did not sleep much;" and the result of their vigils was the most violent and intolerant document that had hitherto marked their proceedings. The new petition was presented on the following day for signatures, at a meeting secretly congregated, and the contradictory feelings and expressions which it elicited from the "accomplished Baillie," * are worthy of attention. He says, "all did flee upon it without much advisement;" and, happening to enter the room at the moment when the paper was passing rapidly under their signatures, "I asked at one or two what they had subscribed, who *could not inform*; it seems too many went on *fide implicita*. I desired the writ to be read over to us who were new come in. When I heard the piece, I was in great doubts what to do. Some hard passages were in it, that had neither been *reasoned nor voted*." But this clergyman having ranged himself under the banners of Rothes, Balmerino, and Loudon, must put his hand to whatever intolerance they might chuse to prescribe. No man had his conscience under better

Merse, and Teviotdale; Mr Andrew Ramsay to take the like pains with those of Angus and Mearns; Mr Robert Murray to *travail* with them of Perth and Stirlingshires; and an advertisement was ordered to be sent to Mr Andrew Cant to use the like diligence in the north, and so the ministers disbanded for the time."—*Bishop Guthrie.*

* "So Mr Brodie vaguely characterizes this fantastical chronicler, whose real character we shall take another opportunity of illustrating, from his own confessions.

control than Baillie. If it were troublesome he reasoned with it, and if very refractory, he prayed! "After a little silence and advisement, I got my mind extended to subscription upon thir two grounds; 1. That the words, 'seeds of idolatry and superstition, and the mass,' with *thrawing* might reach far; and, *indeed*, according to my mind, in the Book, after the Englishmen's late commentaries, such seeds *truly* were sown. 2. That who subscribed a complaint upon the narrative of *many* wrongs, it was enough to abide by the conclusion, and *so many* of the premises as truly justified it." * By this reasoning, with an additional *assurance*, from "the penners and chief hands in that writ," that they intended no more than to oblige all the subscribers to *pursue the bishops*, but not that each should be tied to believe all the parts of the narrative, Baillie quieted his conscience and signed the paper. "If (says the Covenanter) I had refused my hand to it, I had been as infamous that day, for marring, by my example, a good

* This puerile, not to say dishonest reasoning, was neither more nor less than a mode of smothering his conscience; for Baillie (whose own record of his covenanting feelings and opinions is a mass of inconsistent extravagances) elsewhere uses the very converse of this reasoning. In the Assembly of 1638, it was proposed by the faction totally to abjure Episcopacy, as something unlawful in itself. The more conscientious of the Presbyterian party disassented from this violent and irrational proposition, especially Baillie, who saved his conscience, not by resisting the proposition to the last, but by *shuffling out of the vote*. All the rest, however, voted *generally* in the affirmative of the proposition—*remove, and abjure*. Baillie, exulting in the mean trick that saved himself from being so committed, criticises those who afterwards complained, that the clerk (a great rogue) took their affirmative as meaning *abjure* as well as *remove*, whereas they only meant *remove;* the clerk, says Baillie, acted "very justly, for answering *affirmative to one part* of the question, and *negative to none*, they ought to be taken as *affirming the whole*."—*Letters and Journals*, Vol. i. p. 133. *A fortiori*, if one *sign the whole of a paper*, of "many premises," without reserve, he must be held to affirm the whole.

cause, as yesterday I was famous for furthering it with my discourse."—" However, (adds his conscience,) I thought then, and yet think, that the penners were yet more happy than wise: I think they were very imprudent to make that piece so hard, so rigorous, so sharp, that they minded to present to so many thousands stomachs of divers tempers." Sharp as it was, no stomach refused it, to whom it dared be offered, and though some signed it without knowing the contents, and others without approving them, upwards of thirty noblemen, and many gentlemen subscribed; nor did any of the burghs, with the single exception of the exemplary town of Aberdeen, escape the revolutionary epidemic. That same day another disgraceful and premeditated tumult occurred, which very nearly effected the murder of the Bishop of Galloway, and actually drove the provost out of Edinburgh, which now was in the hands of the mob. In the evening certain of the nobility (assembled contrary to the royal proclamation) " used all diligence to have a council for presenting their *magna charta*; which after great pains they obtained." But the faction, though nearly masters of the privy-council, could not prevail so far, at that time, as to obtain a hearing for their new supplication. The bishop and the magistrates accused them of being the authors of the recent outrage, and added, that the cause of all the tumults was the frequent congregation in Edinburgh of the disaffected nobles and gentlemen. " In that case," it was artfully replied, " we shall call a convention, to chuse *commissioners* to wait in *small numbers* upon the privy-council, in terms of the motion of the provost and the bishop." Thus originated the memorable meeting of the 15th November 1637. This, says Baillie, " was the *pretence*; but the *truth* was, that night after

supper in *Balmerino's* lodging, where the whole nobility I think supped, some commissioners, from the gentry, town, and ministers, met, where I was among the rest: there it was resolved to meet against the 15th of November, in as great numbers as *possibly could be had*, to wait on the answer of their prior supplication, and to get their complaint once *tabled* and received." At this covenanting conviviality, the learned but somewhat incoherent and bewildered Baillie, sat in wondrous admiration of those long headed arch-insurgents, Balmerino and Loudon. He "thought them the best spokesmen that ever he heard open a mouth." He says it was "a meeting of harmony, and mutual love, zeal, and gravity beyond what had occurred even in a meeting composed solely of churchmen for forty years." When taking leave of the nobles, however, one of the ministers lectured their Lordships upon the "reformation of their persons, and using the exercise of piety in their families; which all took well, and *promised fair*." The ministers returned to their respective districts of agitation, to raise, from their preverted pulpits, the seditious cries that were to bring the people to the meeting of the 15th of November. "The fame of that 15th day spread at once far and broad, even to the King's ear, and all were in great suspense what it might produce." * So closed the second scene.

Thus by the arts of a desperate faction,—working in Scotland, under the leadership of the Earl of Rothes, ever since the period when Charles attempted to ameliorate the country at the expense of the tithe-holders, —was the community wrought up to its highest pitch of excitement before Montrose became in any way connected with these proceedings. It was at the great

* Baillie.

convention of the 15th of November 1637, which had been most laboriously organized, that Montrose first appeared. "Among other nobles (says Bishop Guthrie,) who had not been formerly there, came at that diet the Earl of Montrose, which was most *taken notice of*; yea, when the bishops heard that he was come there to join, they were somewhat affrighted, having that esteem of his parts that they thought it time to prepare for a storm when he engaged." And why had he appeared at this time? Was it that, like Argyle, he lurked behind the scenes until he saw the safest moment for declaring himself,—or was it the spontaneous impulse of patriotic alarm,—or was it, as Dr Wishart says, that "the tales they made, they never wanted fitting instruments to tell and spread," and that his youthful and ardent mind had been worked upon by the faction? Baillie has answered the question in a few expressive words, —"*the canniness* of Rothes brought in Montrose to our party.*" But it can be shewn that even Rothes is not entitled to the sole merit of this conquest. In an original manuscript deposition, (taken during that persecution of Montrose and his friends, in 1641, which will be the subject of a future chapter,) I find, what had hitherto escaped observation, that Montrose himself names a minister as having laboured to convert him. "Thereafter my Lord (Montrose) says to the deponer, '*you were an instrument of bringing me to this cause*; I am calumniated and slandered as a backslider in this cause, and am desirous to give you and all honest men satisfaction:'" Now this deponer is Mr Robert Murray, minister of Methven,—the very clergyman upon whom (preparatory to the grand agitation for this meet-

* Canniness, *i. e. Scotch cunning.*

ing of the 15th of November) " it was laid, to *travail* with them of Perth and Stirlingshire,"—the districts in which lay the estates of Montrose, and his relatives, Lord Napier, and Sir George Stirling of Keir.

At this grand convention the treasurer Traquair, one of the most able and eloquent of the privy-council, and well disposed towards the King's interests, though adverse to the civil aggrandizement of the bishops, challenged their proceedings, says Baillie, " with great admiration to some of his wisdom and faculty of speech." But, he adds, " *the advocate*, after some little displeasure at the treasurer for his motion, *resolved*, that they might meet in law to chuse commissioners to Parliament, to convention of estates, or *any public business*." It was then determined to appoint a committee of twelve, representing as many several estates as in their wisdom this convention saw fit, that the new constitution should embrace. Rothes, Loudon, *Montrose*, and Lindsay, were the four noblemen selected ; and Sir George Stirling of Keir, (Montrose's nephew by marriage with Lord Napier's daughter,) was one of those chosen to represent the lesser barons. Thus originated that scourge of the kingdom, factiously appointed *committees*, usurping the whole functions of government in Scotland. So artfully was the matter managed as to seem a conservative act of the privy-council itself, fortified by the legal opinion of the first law officer of the crown. It was, however, as Baillie assures us, a deliberate plan of the faction to constitute a new and irresponsible government of their own, at which their contemplated persecution of the bishops might be received, and " tabled," a phrase which afforded a vulgar nomenclature to a lawless and tyrannical constitution. *

* " The Tables."

Yet the day was not far distant when Montrose was to learn to appreciate a covenanting committee of estates! when his horror of such tribunals was even to mingle with the gentlest effusions of his accomplished mind,—

My dear and only love, I pray,
This noble world of thee
Be governed by no other sway
But *purest monarchy*.
For if *confusion* have a part,
Which virtuous souls abhor,
And hold a *synod* in thy heart,
I'll never love thee more.

* * * * *

If in the empire of thy heart
Where I should solely be,
Another do pretend a part,
And dare to vie with me,
Or if *committees* thou erect,
And goes on such a score,
I'll sing and laugh at thy neglect,
And never love thee more.

CHAPTER III.

THE COVENANT—CONTRADICTORY VIEWS OF IT—FALSE VIEWS OF IT—TRUE VIEWS OF IT—HUNTLY'S REJECTION OF IT.

THE constitution of Scotland being thus overturned, the destructive party instantly proceeded to the contrivance of their memorable charter. The COVENANT, that bond of faction and banner of rebellion, is inseparable from the name of Montrose, not only because eventually he fell a sacrifice in the vain attempt to save his King and country from its desolating effects, but because he was amongst the foremost to sign it, and, for a brief space, supported it in council and enforced it in the field. Some of the original editions of the Covenant are yet preserved in the Advocates' Library, and among the crowded signatures attached to these sad memorials of national turbulence, and human vanity and folly, appears the name of Montrose, conspicuous both from its foremost place, and the characteristic boldness of the autograph. Were this bond what some have imagined it to be, a patriotic and holy expression of unanimous feeling in all who signed it,—a feeling for the preservation of their Religion and Liberties,—had Charles I. really entertained the determined purpose, against the "Independency" of Scotland, which the Covenant is by some supposed to have met, then, however illegal in itself, and though leading to worse evils than it professed to cure, all who signed it in that good faith and feeling might well be excused. If Montrose, who we shall find only abjured the Covenant after he distinctly saw that

it was made to serve the ruinous purposes of a revolutionary movement, had really signed it under circumstances which necessarily impelled every Christian patriot so to do, his political character would be blameless. It is to be feared, however, that the martyr of loyalty stands not so well excused in his early career. He appears to have taken that step, as many others did, with but crude and confused ideas of its propriety. The best clerical historians of the Church of Scotland now admit, or but feebly veil the fact, that the Covenant, as dishonestly and impiously it was styled, came reeking from the hot-bed of faction, and from the hands of reckless unprincipled politicians. But Montrose was naturally as incapable of conceiving so profound a plot, as he was of appreciating the scope and tendency of the Covenant at the time when he signed it. He was not one of the intriguers who so artfully contrived this too successful scheme against established order. Rothes, Loudon, and Balmerino, with their legal demagogue, Archibald Johnston of Wariston, and their clerical apostle Alexander Henderson,—these five are immortalized as its able, though disingenuous, devisers. The scheme of the Covenant is well known. It affected to adopt that Confession of Faith—directed against Popery at a time when the popish plots of Spain, and a less enlightened era, rendered the ferment more excusable and sincere—which King James in his youth had signed along with the nation. There was originally added to this protestant confession a bond or obligation for maintenance of the true religion, and of the King's person. Some years afterwards James superinduced upon his constitution of the church, the five articles of Perth, and thus, with the acquiescence of his people, introduced that Episcopal imparity of church government, which was virtually the scheme of Knox

himself. The adoption of the acts of the previous reign, as the charter of the revolution of 1637, was a trick for the purpose of transferring to the faction a colour of whatever was respectable, and constitutional, in those enactments. "It was," says the learned historian of the Covenanting church, an "expedient admirably devised, the success of which exceeded even their own most sanguine expectation."* The first aim of these power and place hunters, who had progressed from the tithe cabal to the Balmerino petition, and from that to the Tables and the Covenant, was to root out the bishops from church and state. While they pretended, therefore, only to renew, as a solemn form of expressing a loyal and patriotic feeling, what was already the law, they, in point of fact, contemplated the violent abrogation of every vestige of Episcopacy in the island, however constitutionally established. In the prosecution of this scheme, they at once rendered the bond for defence of the King's person and authority, which they pretended to adopt, a dead letter, by adding an obligation to defend each other even against the King himself. "This remarkable addition," says Dr Cook, "gave a new complexion to what was held forth merely as the revival of a former confession, —this bond places beyond a doubt the determination of those by whom it was framed, to defy even the King himself in attaining the objects which it was designed to secure. Yet Hope, his Majesty's advocate, did not hesitate to give it as his opinion, that it contained nothing inconsistent with the duty of subjects, a fact strikingly evincing how much the spirit of faction can bewilder even the most vigorous minds. The obligation was written and sanctioned, not by Parliament, not by men acting in any official capacity, but by individuals

* Dr Cook.

assuming the right of deciding upon the measures of their sovereign, and considering their private judgment as a sufficient warrant for despising his authority."*

It is of some consequence to a complete illustration

* This is severe upon the "good cause," coming as it does from the pen of one of its most distinguished advocates,—and the apology which immediately follows the condemnation quoted in our text, only tends to show how indefensible that cause in reality is. Dr Cook proceeds to say;—"it does not alter the case that the cause *was really good*,—it *might have been* quite the reverse, and therefore the vindication of the Covenant must not be rested upon the far-fetched attempts to *reconcile it with loyalty*, but upon this *great principle*, that, when the ends for which all government should be instituted are defeated, the *oppressed* have a clear right to disregard *customary forms*, and to assert the privileges without which they would be condemned to the degradation and wretchedness of despotism."—*Hist. of the Church of Scotland*, Vol. ii. p. 414–415. But unfortunately, this "great principle,"—this hospital to which the reverend author refers the foundation of his church after having rendered it raw from his scourge,—is inadequate to the cure. The assumptions involved in the vague, though magniloquent, defence, are incapable of proof, nor does that defence coincide with the circumstantial animadversion which it was intended to neutralize. To "reconcile the Covenant with loyalty" is not the sole difficulty which Dr Cook's previous censure had presented to the "far-fetched attempts" of its champions. He had accused the Covenant, though in subdued and tender phrase, of motives and principles that render it very disgraceful to its contrivers, the *most vigorous minds* among whom he declares to have been *bewildered by the spirit of faction*,—that their scheme was *inconsistent with the duty of subjects*,—that they had *assumed the right* of deciding, and had placed their *private judgment* against constituted authority! How does all this quadrate with the author's *great principle of vindication*, namely, that before the Covenant arose, the ends for which all government should be instituted had been defeated, and the only duty of subjects remaining was, that of the *oppressed* (not the *factious*) having a *clear right* to disregard the principles of the constitution, and to assert *their privileges*? Can we reconcile or apply this vindication to the case of the Covenant, which, on the very next page of the same history, Dr Cook thus characterizes,—"The Covenant was, notwithstanding the essential alteration in it which has been noticed, still denominated by its former title, a *piece of disingenuity* which was not necessary to support the cause, and which afforded its enemies *some ground* for questioning the *integrity* of the *zealous men* by whom it was espoused." So difficult is it to defend the Covenant!

of the life and actions of Montrose, that we should obtain a juster view, of the principles and history of the Covenant of 1638, than is usually presented to us, even by the most conscientious covenanting historians of the Church of Scotland. Those who glorify the Covenant in vague terms of admiration, without venturing into minute details, are the most apt to record that Montrose only joined it from motives of selfish pique, and quitted it from yet more selfish feelings of disappointment. But if it be the case that every art of insurgency had been employed, by a political clique, to rouse the passions and blind the understanding of all classes of the community, and that thereafter they proceeded in a more reckless and headlong course of democracy,—if such, in few words, be the history of the Covenant, it is not difficult to understand how the young and ardent Montrose came to join it with thoughtless zeal, and to quit it so soon with disgust and indignation. The movement, however, has been otherwise characterized, and by none more imposingly than by the learned author of a History of the British Empire. The Covenant, according to this writer, was "a grand national movement against arbitrary power, civil and religious,"—it was "not *merely* a cool assent of the understanding, but of the heart, heated to an enthusiasm, of which a faint conception, only, can be formed by those who have lived in quiet times;* the Covenant was embraced with tears of penitence for *past defection*, and *shouts*

* Some are apt to consider the assent of a cool understanding, more trust-worthy and laudable, than the assent of a heated heart, to whatever pitch its thermometer may rise. As for our "quiet times" being incapable of appreciating the enthusiasm of democracy, they are at least mending. Mr Brodie's History was printed in 1822, since when Bristol has been burnt by a reforming mob, and many other circumstances have occurred to remind us of the rise of the troubles in Scotland, and the subsequent fate of the British Monarchy.

of *unutterable* joy for the hoped-for fruits,"—not of busy faction and seditious agitation,—but of " reconcilement with Heaven." Yet neither will this historian suffer the Covenant to escape without " severe reprehension,"—not because it roused rebellion while professing loyalty, and effected a secret combination against the person and authority of the King while it took God to witness a determination to defend both, but because of its " intolerance towards the Catholic body." " Men," adds our historiographer, " who were themselves smarting under the effects of intolerance, might have had *sympathy* with the feelings of those who also adhered to their *own notions* of worshipping their Maker,"*—meaning thereby not the *protestant* Church of England, which the Covenanters so intolerantly and inconsistently assailed, but the worshippers of the Pope. How incongruous is this idea, of sympathy for Roman Catholic worship being an ingredient in the composition of the Covenant! so much so, indeed, that we must altogether distrust the vision with which our wrapt historian had contemplated the great presbyterian crisis. For that eloquent page then of Mr Brodie's constitutional history, we would substitute the following details, afforded by the manuscript account of James Gordon, parson of Rothemay.†

" The Covenant was no sooner agreed upon, but instantly it was begun to be subscribed, in Edinburgh first, and the church chosen out for that solemnity was the Grayfriars church, where, after it had been read

* Mr Brodie's History of the British Empire, Vol. ii. p. 471, 472.

† James Gordon was the son of a conspicuous actor in the troubles of Scotland, Robert Gordon of Straloch. Some account of James Gordon's very curious and valuable contemporary history, which has never been printed, and from which we shall frequently have occasion to extract, will be found in a note at the end of this volume.

over publicly, and a long speech had been made by the Lord Loudon in commendation thereof, Mr Alexander Henderson seconded him with a prayer, and then all fell a swearing and subscribing, some of the nobility leading the way. The first, as I am credibly informed, was John Gordon, Earl of Sutherland, and the next was Sir Andrew Murray, Lord Balvaird, minister at Abdie in Fife, two noblemen who, out of zeal to their profession, without any by-ends, thought it a happiness to be among the first subscribents and swearers to the Covenant. After them, all that were present ran to the subscription of it, and then through the rest of the city it went, every one contesting who might be first, and others, without further examination, or questioning the articles thereof, following their example. Women, young people, and servant-maids, did swear and hold up their hands to the Covenant. All who were present at Edinburgh at that meeting in the month of February, subscribed and swore to the Covenant before they went from thence, and at their parting, ministers, and noblemen, and gentlemen, who were well affected to the cause, carried copies thereof along with them, or caused them to be written out after their return to their several parishes and counties of Scotland, which copies were ordinarily written upon great skins of parchment, for which cause, at that time, in a written pasquil, the Covenant was termed the *constellation upon the back of Aries*. And such as took copies along with them to be subscribed, caused ordinarily such as had sworn, or underwritten their names already, if they were noblemen or ministers of note, to set to their hands anew to the several copies, that, where themselves could not be present to invite others, their handwriting might be their proxy. The months

of February, March, and April, were mostly spent in subscribing the Covenant, as that time, and some while after, in purchasing hands thereto. The greater that the number of the subscribers grew, the more imperious they were in exacting subscriptions from others who refused to subscribe, so that by degrees they proceeded to contumelies, and exposing of many to injuries and reproaches; and some were threatened and beaten who durst refuse, especially in greatest cities, (as likewise in other smaller towns,) namely, at Edinburgh, St Andrews, Glasgow, Lanark, and many other places. Gentlemen and noblemen carried copies of it about in their portmantles and pockets, requiring subscriptions thereto, and using their utmost endeavours with their friends in private to subscribe. It was subscribed publicly in churches, ministers exhorting their people thereto; it was subscribed and sworn privately; all had power to take the oath, and were licensed and welcome to come in; and any that pleased had power and license to carry the Covenant about with him, and give the oath to such as were willing to subscribe and swear. And such was the zeal of many subscribents, that, for a while, many subscribed with *tears on their cheeks*, and it is constantly reported that some *did draw their own blood*, and used it in place of ink to underwrite their names. Such ministers as spoke most for it were heard so passionately, and with such frequency, that churches could not contain their hearers in cities,—some keeping their seats from Friday to Sunday to get the communion given them sitting,—some of the devouter sex, as if they had kept vigils, sitting all night before such sermons in the churches, for fear of losing a room or place of hearing, or at the least, some of their handmaids sitting constantly there all night, till their mis-

tresses came to take up their places and to relieve them, so that several, as I had it from very sober and credible men, under that religious confinement, were forced to give way to those natural necessities which they could no longer contain. These things will scarce be believed, but I relate them upon the credit of such as knew this to be truth. Nor were they scrupulous to give the Covenant, to such as startled at any point thereof, with such protestations as in some measure were destructive to the sense thereof, as was seen in several instances, so that they got subscriptions enough thereto, and it came to that height, indeed, that such as refused to subscribe were accounted no better than Papists. Such ministers as dissuaded their people from subscription, either had enough ado to maintain themselves in their parishes, (and though afterwards they did subscribe, yet other quarrels were found to drive them from their stations,) or, if not that, do or say what they pleased, they were held in suspicion and not trusted. Although it be true that some ministers, who were recusants at first, did afterwards vie for zeal and activity with the first subscribents,—by this means both redeeming their delay of time, and rubbing off all suspicion from themselves,—others were forced to flee and desert their stations and places, being persecuted by their parishioners, especially such as had been active for the bishops, and had been hasty to read or commend the Service-Book, or Book of Canons. Many ministers at first not being well satisfied, refused to subscribe, pretending scruple of conscience, and some few, as we shall hear, were scrupled indeed. Other ministers, as other men likewise, hopeful that the cause would not prevail, refused to swear, fearing that the King and bishops would in the end be masters, and question all

that was done. Some ministers who were concerned in the bishops, out of fashion, stood out for a while, and suffered e'er they were aware, finding too late to their sad experience, that the bishops, their prop, were removed from them. It were a longsome task to give an account of all the particulars. *Most of these passages are fresh in the memories of many now living*, who, after some few years, finding the effects not agreeable to their expectation of what was promised, became cold, and remitted of their former zeal, and not a few turned as bitter enemies to the Covenant as they were at first forward friends to it, and died fighting against it, or suffered exemplary deaths upon scaffolds for opposing that which once voluntarily they did engage themselves to maintain. All noblemen and gentlemen and others who were wearied of the present government, and maligned the Episcopal greatness, readily embraced it, and most part or all their followers by their example. Ministers who had ever been opposite to the bishops, and such ceremonies as King James had established, subscribed with the first, and by their examples drew either most part of their parishes, or all of them after them. Such ministers as refused, they took pains to win over to their side by allurements and dispute,—if they were men otherwise pious, or painful in their calling, or learned,—but if they knew them to be faulty, then they were brought over with threats, and terror of church censures. Such ministers for a while stood out till they saw no shelter elsewhere, and then there were of them who were glad to flee into the Covenant as a sanctuary; (instances of such might be given, but I forbear to rub upon the crimes of such who are removed, and gone to their place,) some *yet living*, and known to have come over upon that account. Finally the fears of the more zealous professors

that religion was in hazard, the factious spirits of others, example, allurements, threats, terrors, brought over the multitude. The non-subscribents on the other part might be reduced either to, 1. Papists, for it was destructive to their profession; 2. such as would not engage for displeasing the King, as holding their places of him, or those who by their refusal of the Covenant thought one day to plead merit and reward at the King's hand, without any further aim or reason, being otherways not concerned in the matter of religion; others were non-subscribents, as being unsatisfied that the ceremonies of the church of England, Perth articles, and Episcopacy, should be abjured *as popery*, they being already established; others quarrelled both with the abjuring of these things for their matter, as also for the formality of the oath, and refused to accept of it,—as pressed without and contrary to authority, without necessity,—or for all these causes together. Albeit the subscription of the Covenant was carried on, as to the multitude, in short space, yet this was but a declaring of men's party who before were practised upon, or had fully discovered themselves, nor were they so inconsiderate as to fall a subscribing it publicly till they were sure, *underhand*, of the greatest part of the kingdom, who, for their power and number, might be able to bear down all their opposers. Nor were *underhand assurances wanting from England*, for without that, there had been as many opposers as might have rendered *the game* hazardous and desperate enough. As they did encourage them to declare themselves, so it did quickly let all be seen who were either against them upon their own private account, (these were all the Papists,) or such as would own the King's authority, which was now beginning to reel in Scotland. So that now they

began to be distinguished by divers names, as well as factions,—Protestants and Papists, who were non-subscribents, were put all in one predicament, and called anti or non-Covenanters, and all the subscribents were called COVENANTERS, which names afterward changed into others equivalent, as the face of affairs altered."

This minute contemporary account, of the machinery of the Covenant, is more worthy of credit than the many vague encomiums bestowed upon it by those writers who are anxious to invest a democratical revolution with a sacred character. The following sentences of a letter from Mr David Mitchell, one of the persecuted ministers of Edinburgh, to Dr John Lesly, Bishop of Raphoe, afford a curious confirmation of the record of the parson of Rothemay. "The greater part of the kingdom have subscribed, and the rest are daily subscribing a *covenant.* It is the oath of the King's house 1580, with *strange additions,* a mutual combination for resistance of all novations in religion, doctrine, and discipline, and rites of worship that have been brought in since that time; so as if the least of the subscribers be touched,—and there be some of them *not ten years of age, and some not worth twopence,**—that all shall concur for their defence, and for the expulsion of all Papists and adversaries, (that is, *all that will not subscribe,*) out of the church and kingdom, according to the laws, whereof an hundred are cited in the charter. This goes on apace. The *true pastors* are brought into Edinburgh to cry out against *us wolves,* and they, with our

* To evince the *universal* feeling against the liturgy, the petition of the faction, to the Chancellor, after the tumults, ran thus,—"Unto your Lordship humbly shews, we men, women, and *children,* and servants, indwellers in Edinburgh, being urged with this book of service," &c.

brethren here, Mr Andrew Ramsay, Mr Henry Pollock, and your whileome friend the Principal, [Adamson] crying out that they are neither good Christians, nor good subjects, that do not subscribe, nay, nor in covenant with God, have made us so odious *that we dare not go on the streets.* I have been dogged by some gentlemen, and followed with many mumbled threatnings behind my back, and then when in stairs, *swords drawn,* and '*if they had the Papist villain, oh.*'* Yet I thank God I am living to serve God and the King, and the church, and your Lordship. Your chief [Rothes] is chief in this business. There is nothing expected here but civil war."

These are not the only contemporary sources from which it can be proved that the views of those writers who maintain that a unanimous, spontaneous, pious and patriotic impulse gave birth to the Covenant, are baseless and rhapsodical.† But even had that political

* Compare this with the secret letter to Archibald Johnston, quoted *supra*, p. 136. Robert Baillie, though he sometimes condemned the system, has expressed his sense of the value of *strokes* in making a Covenanter. "D. Monro (he says) *since his strokes,* is amongst the foremost in our meetings." Monro had been nearly stoned to death, by the women of Kinghorn, for his supposed affection towards the bishops.

† There are some very curious and amusing letters written in 1638, during the covenanting tumults, by one signing himself "Jean de Maria," (and obviously addressed to the Duke of Lennox in England from one of his household in Scotland,) printed by Lord Hailes, in his Historical Collections, from the originals preserved in the Advocates' Library. They are very long and circumstantial, and evince in the writer great penetration, spirit, and humour. Nothing can be more complete, in an epistolary form, than "Jean de Maria's" *exposé* of the arts of insurgency that begot the Covenant. He says that the King's backwardness to take strong measures against the Covenanting combination, "makes many doubtful whether he be disposed to break the same, and resent the wrong which is done him thereby, in a true degree or not, *which is the cause* that a thousand and a thousand are come in within this month, and subscribed the same, who otherwise had undoubtedly stood out;" and, "if

movement not been characterized by the lawless plotting of a faction to concuss and terrify the lieges into their scheme, it would still have been but a gigantic instance of that fallacious harmony of patriotic feeling which is so graphically exposed by Dr Johnson, in tracing the rise and progress of a factious petition multitudinously signed.* In the course of his admirable illustration he says,—"Names are easily collected; one man signs because he hates the Papists, another because it will vex the parson, one because he is rich, another because he is poor, one to show that he is not afraid, and another to shew that he can write." And such, on a larger scale, was the patriotism of the Covenant. The grand national movement, the penitent embraces, the tears, the shouts of joy *unutterable*, the promised hopes, all that Mr Brodie has so imposingly crowded into his *beau ideal* of that revolutionary charter, was but the seditious agitation, the false excitement, the senseless clamour, and the lawless violence, of its day. "The passage, however," continues Dr Johnson, in the celebrated political essay to which we have referred,—"is not always smooth. Those who collect contribu-

you knew what odd, uncouth and ridiculous courses they use to draw in ignorant fools, fearful fasards, women and boys, I can hardly say whether it would afford his Majesty more occasion of laughter or anger;" and among other instructive illustrations contained in these letters is the following: "You may judge whether we who have not subscribed the Covenant are in [a good] taking, when *an insolent clavering* puppy, [*quere*] whose wife is a sister of our Sheriff's, (whose deportment for many respects I regret most of any man's in this county,) and who qualifies himself as his joint commissioner for this shire, dared be so pert as to come down to our church, and there, seeing how few were like to concur with them, say, that he *desired but the names* of those who should refuse to subscribe, with a note of their worths in means or otherwise, and *let them alone to take order with them.*"—Original MS. Advocates' Library.

* "The False Alarm." 1770.

tions to sedition sometimes apply to a man of higher rank, and more enlightened mind, who, instead of lending them his name, calmly reproves them for being seducers of the people." Would, that, in pursuing the parallel, we might claim this lofty position for Montrose. But, although certainly not of the faction who secretly organized and propelled the movement, Montrose was carried by the arts of insurgency, and, for a time, deluded like many others. There is one nobleman, however, in whom the parallel is sustained. He, who "instead of lending them his name, calmly reproved them for being seducers of the people," was George Gordon, Marquis of Huntly, the solitary nobleman who, from the first moment of the covenanting excitement, never hesitated in his determined loyalty, although, unfortunately, his means of assisting the King were not in proportion to his inclination.

Huntly, whose early distinction in France we have already noticed, had been reared at the Court of England with Prince Henry, and Charles then Duke of York, and, under the superintendence of King James, (who had found the task of protecting his father, the popish Earl, neither easy nor safe,) was instructed in the protestant doctrines of the church of England. Thus the reputation of the old Earl, and his own episcopal education, made it easy for the presbyterian party to denounce Huntly as a papist, whenever he presumed to evince his loyalty. This nobleman was, moreover, much embarrassed in his circumstances, having contracted debts, to the amount of about a hundred thousand pounds Sterling, in keeping up his military state abroad during the lifetime of his father. The Covenanters made one attempt to bring over Huntly, by mercenary offers, before it fell to the lot of Montrose

to endeavour the conversion of the north *vel arte vel marte*. There had lately returned from the German wars Colonel Robert Monro, afterwards conspicuous as a covenanting commander, who had served under Gustavus Adolphus. He is described as a fearless and free spoken soldier, of some powers of address, who had been at the Court of England, where, it is said, he was slighted and had retired in disgust. This officer suggested to the Earl of Rothes the great advantage of acquiring Huntly for a military leader, and offered himself as an agent to negotiate the delicate proposal. Charged accordingly with a commission to that effect, Colonel Monro set out for Huntly's place of Strathbogie, where the Earl received him as an old companion in arms, and presently, while they were walking together in his garden, was insulted by his guest, with the temptation in these terms: "It is," said the Colonel, "my love and duty towards you and your house, that have induced me to come with a proposal which I intreat you to take under your serious consideration. There is now so strong a party combined against the King, that whoever shall attempt to raise a party in his favour will find themselves in the proportion of one to a hundred. I am commissioned, on the other hand, to offer you *the Covenant*, and to say that, if it please you to give in your adherence to that party, you will be chosen for its leader, and your fortunes restored; but if you determine to adhere to the King, and oppose the Covenant, means will be taken to render your assistance to his Majesty totally ineffectual, yourself will be ruined, and your house sink under its load of a hundred thousand pounds of debt."* The manuscript from which this anecdote is derived, does not proceed to say that

* James Gordon's MS.

Huntly handed over his guest to the "hangman of Strabogie,"* but that the Colonel, having delivered his harangue so as to impress the Earl with a feeling that it was at least not meant as an insult, received this short and resolute reply: "My house," said Huntly, "has risen by the Kings of Scotland, has ever stood for them, and with them shall fall; nor will I quit the path of my predecessors; and if the event be the ruin of my Sovereign, then shall the rubbish of his house bury beneath it all that belongs to mine." It is added that Huntly sent his Majesty an account of this proposal, in order to put him on his guard. Thus it became the great object of the Covenanters to destroy Huntly, and to revolutionize the district over which his loyal influence, in conjunction with the enlightened learning of Aberdeen, prevailed against the arts of insurgency. The nobleman whom they selected to accomplish this important end was Montrose.

* "James Grant came with four and himselfe, to the ground of Strabogie upon the tenth of Aprile 1836; and, be chance, came to the hangman's house, and craved some meat. But he knew not that it was the hangman's house of Strabogie."—*Spalding.*

CHAPTER IV.

HAMILTON'S FIRST VISIT TO SCOTLAND AS COMMISSIONER FROM THE KING —MONTROSE'S FIRST VISIT TO ABERDEEN AS COMMISSIONER FROM THE COVENANTERS.

It was immediately before Montrose's first expedition to the north that the Marquis of Hamilton arrived in Scotland, invested with authority, as the King's Commissioner, to settle that unhappy kingdom, by yielding as much as, under the circumstances, it was possible for a King to yield. The Marquis's mother was well known to be a zealous Covenanter; but Hamilton's intentions towards "the cause" were yet a mystery, and probably not absolutely determined in his own breast. It was arranged, by the factionists, first to mortify the Commissioner with studied neglect, and then to alarm him by means of an imposing demonstration of "the majesty of the people." Hamilton had written to the whole nobility, and gentry of note, to meet him at Haddington, and many "would gladly have done him that honour, but, for several reasons, it was decreed that none of the subscribers (of the Covenant,) no not of his nearest friends and vassals, should go."* If, as there are grounds for presuming, a vision of the Crown of Scotland being transferred to his own head had long secretly presented itself to Hamilton, this unlooked for mark of disrespect could not have been very agreeable, and, accord-

* Baillie.

ingly, when Loudon and Lindsay met him with excuses from the rest of the aristocracy, he was so highly offended as to be on the point of turning his horses heads back again to Court. But Rothes,—the *canny* Rothes,—"having *communed* some two or three hours with him in Dalkeith, appeased and removed his mistakings."* It was on the 8th of June 1638, that Hamilton made his vice-regal progress from Dalkeith to Holyrood House, by Musselburgh and Leith. "In his entry, I think at Leith (says Baillie) as much honour was done unto him, as ever to a King in our country. Huge multitudes, as ever was gathered on that field, set themselves in his way. Nobles, gentry of all shires, *women, a world!* the town of Edinburgh all at the Watergate. But *we* were most conspicuous in our black cloaks, above five hundred on a brae-side, in the links alone, for his sight; we had appointed Mr William Livingston, the strongest in voice and *austerest in countenance of us all,* to make him a short *welcome.*" This last compliment, however, the Commissioner, who had obtained a timely hint of the probable nature of such covenanting welcome, begged to decline, and it was bestowed upon him afterwards in private. Already did Hamilton adopt that system of duplicity, in negotiating betwixt the King and his rebellious subjects, which eventually paralyzed the loyal struggles both of Huntly and Montrose. "The Marquis, in the way, was much moved to pity, even to tears; he professed thereafter his desire to have had King Charles present at that sight of the *whole country* so earnestly and *humbly* crying for the safety of their liberties and religion."† One of the most characteristic anecdotes, however, of that cele-

* Baillie. † Ibid.

brated progress is the following, which we extract from James Gordon's manuscript: "At this meeting betwixt the Commissioner and the ministers, there passed a rencounter, which, though related upon the by, may give matter of laughter to some in a serious business. The Commissioner, passing by the crowd of the ministry, who were there waiting on his entry, did re-salute them in a very respectful manner, who were all making curtsies to his grace. At this time he, looking upon them with a smiling countenance, repeated the words of Matthew v. 13,* in Latin, *vos estis sal terræ.* A minister, not far distant, who could not distinctly hear what the Commissioner spoke, questions another minister, who was nearer, upon the Commissioner's words, who, wittingly, instead of what the Commissioner had spoken, told him, 'Brother, the Commissioner said, *it is we who make all the kail salt,*' alluding to a Scottish proverb, which is usually spoken when any thing is said to mar or undo an action, or to make mistakes. There was so much of *salt truth* in the jest that it was by many taken notice of, though *what sense* the Commissioner spoke it in is *unknown.*"

Scarcely had Hamilton been a month in Scotland, when an incident occurred which first awakened the suspicions of Montrose that the excitement of the times, on the subject of Religion and Liberties, was taken advantage of, for other purposes, by traitors too near the throne. Montrose had been selected, along with Rothes and Loudon, to treat, on the part of the Covenanters, with the Royal Commissioner during that revolutionary struggle of *protestation* against *proclamation,* which,

* "Ye are the salt of the earth: but if the salt have lost his savour wherewith shall it be salted? it is thenceforth good for nothing, but to be cast out and to be trodden under foot of men."

owing to the peculiar management of Hamilton, now raged as fiercely as ever. After one of these disgraceful scenes it was, that Montrose, Rothes, and Loudon, with their reverend agitators, Messrs Henderson, Dickson, and Cant, being admitted to an audience of the Commissioner, in presence of the Privy-Council, his Grace, at the close of their conference, requesting the councillors to remain in the audience chamber, accompanied the deputation through the royal apartments in Holyroodhouse, till they arrived at the great gallery, where, leading them into a corner, he addressed them confidentially in these remarkable words: "My Lords and Gentlemen, I spoke to you before those Lords of Council as the King's Commissioner; now there being none present but yourselves, I speak to you as a kindly Scotsman. If you go on with *courage and resolution you will carry what you please,* but if you faint, and *give ground in the least, you are undone,—a word is enough to wise men.*" This story, if it be true, is decisive of the character of Hamilton, and that it is true, neither the direct evidence offered in support of it, nor the remarkable confirmation afforded by every thing that can be ascertained of the conduct and character of that statesman, permit us to doubt.* It is recorded by Bishop Guthrie (then minister of Stirling) who, after narrating thus circumstantially the time, place, and occasion, with the particular words uttered, proceeds to support his statement by what he calls, "my warrants for what I have set down." 1. On the same day that

* Dr Cook has only noticed this anecdote in a note, as follows:—"Guthrie, in his Memoirs, p. 34, 35, records a speech as made by Hamilton, which, if genuine, would place his treachery beyond a doubt; but the evidence of his having spoken it is not conclusive, and Burnet has *satisfactorily* established his loyalty."—Vol. ii. p. 446.

the conference occurred, Mr Cant, one of the deputation, told this extraordinary story to Dr Guild, who the next morning repeated it to Mr David Dalgleish, minister at Coupar, Mr Robert Knox, minister at Kelso, and to Henry Guthrie himself. 2. On the evening of the day that Guthrie heard this from Dr Guild, " the said Henry (says the Bishop of himself) being that night with the *Earl of Montrose* at supper, his Lordship drew him to a window, and there told him, *in the very same terms* Dr Guild had reported it to him, adding, that it *wrought an impression*, that my Lord Hamilton might intend by this business *to advance his design*,* but that he would suspend his judgment until he saw farther, and in the meantime look more narrow to his walking." The enemies of Montrose are precluded from the argument that Bishop Guthrie had been imposed upon by a false statement of that nobleman to prejudice his rival, for Mr Cant, also present when Hamilton, as alleged, so addressed the deputation, had made the very same narration previously to Dr Guild. It remains then to defend Hamilton by supposing that his words had been misunderstood, or that the whole story, with its alleged proofs, is a circumstantial falsehood, deliberately recorded in his closet by Bishop Guthrie. † Such violent suppositions, however, are rendered desperate by the conduct of Hamilton himself, as subsequently

* *i. e.* On the Crown of Scotland.

† Mr D'Israeli notices this anecdote against Hamilton, and adopts it, but he has stated the evidence inaccurately. He says,—" this remarkable conversation is given by Bishop Guthry, who at the same time furnishes his authorities. The same story *had reached* Montrose in the same words."—*Commentaries on the Life and Reign of Charles I.* Vol. ii. 310. This critical writer seems not to have been aware that Hamilton addressed the speech to *Montrose himself*, who repeated it from his *own knowledge* to Bishop Guthrie.

disclosed. Whatever might be his ulterior objects, and whether he was swayed at the time by selfish and vacillating timidity, or a deeply plotting ambition, there is no doubt that he was acting a double part, ruinous to his King and country, and most discreditable to himself. We learn from Baillie, that Hamilton met the seditious demonstration of the Covenanters with affectionate sympathy, that even showed itself in tears, and that he lamented the King himself was not there to be edified and subdued in heart, by the "humble crying" of the patriotic multitude. "His Grace's countenance and carriage," says Baillie, "was so courteous, and his *private speeches* so fair, that we were in good hopes for some days to obtain all our desires." A few months afterwards, the same chronicler, in his account of the memorable assembly of 1638, favours us with this portrait of the Commissioner: "I take the man to be of a sharp, ready, solid, clear wit,—of a brave and masterly expression,—loud, distinct, slow, full, yet concise, modest, courtly, yet simple and natural language. If the King have many such men he is a well served prince. My thoughts of the man were *hard and base.* But *a day or two's audience wrought my mind to a great change towards him,* which yet remains, and ever will, till his deeds be *notoriously* evil." So writes our penetrating Covenanter in 1638; but in the following year, at the treaty of Berwick, we find him again at fault in his attempts to fathom the *serpentine* favourite: "The Marquis's ways were *so ambiguous that no man understood him,* only his *absolute power with the King* was oft there clearly seen." Now at the very period when Hamilton felt, or affected, such melting sympathy for his seditious countrymen, he was corresponding with his royal master, in terms inevitably calculated to impel

the peaceful and generous, but hasty monarch, into hostile expressions and projects, which Hamilton himself had pre-determined should proceed no farther than just to compromise the honour of the King, and aggravate the disaffection of Scotland. Burnet tells us in general terms, without producing the letters, that, soon after his Grace had arrived in Scotland, he transmitted to the King a detailed account of the state of affairs; he advised him to garrison Berwick with 1500 men, and Carlisle with 500, and to follow up these orders vigorously in person, at the head of a brave army, which, if the matter were well managed, would be crowned with victory. Hamilton added, however, a caution, calculated to mingle doubt and weakness with the vigorous measures he provoked,—" he represented withal, (says Burnet) that his Majesty would consider how far in his wisdom he would connive at the madness of his own poor people, or how far in justice he would punish their folly, assuring him their present madness was such that nothing but force would make them quit their Covenant, and that they would all lay down their lives e'er they would give it up." That, notwithstanding his crocodile tears, and " his private speeches so fair" in Scotland, Hamilton, while he acted so equivocally there, had done his utmost to inflame the King, and that having done this, he continually checked the spirit he had roused, and thus occasioned that contradictory policy which has been solely attributed to want of sincerity in Charles,—all this may be gathered even from the very partial view of the correspondence with which Burnet chose to favour the public. It is impossible, then, under all the circumstances, to doubt the truth of the anecdote which Bishop Guthrie has recorded.

That at this, the second meeting of Hamilton and Mon-

trose, another instance of the duplicity of the former should have occurred, so similar to that which had driven Montrose from Court, is somewhat remarkable, and raises our curiosity to know in what manner the wily commissioner was at this same time speaking of Montrose to the King. Now of this we happen to be informed by a letter from the Marquis to his sovereign, dated 17th November 1638, which, though *suppressed* by Burnet, has been presented to the world in that very valuable collection, the Hardwicke State Papers.* In this letter, his Grace comments upon the Covenanters in a manner that would have petrified their deluded chronicler Baillie. "It is more than probable," he says, "that these people have somewhat else in their thought than religion; but that must serve for a cloak to rebellion, wherein for a time they may prevail, but to *make them miserable*, and bring them again to a dutiful obedience, I am confident your Majesty will not find it a work of long time, nor of great difficulty as they have foolishly fancied to themselves." And of the leading Covenanters he thus speaks: "Now, for the Covenanters, I shall only say this, in general they may all be placed in one roll, as they now stand. But certainly, Sir, those that have both *broached* the business, and still hold it aloft, are Rothes, Balmerino, Lindsay, Lothian, Loudon, Yester, Cranston. There are many others as forward in show, amongst whom *none more vainly foolish than Montrose.* But the above-mentioned are the main contrivers." Here we obtain another curious confirmation of the truth of Bishop Guthrie's anecdote, for, taking that anecdote in connexion with the above letter, it brings out a game of double-dealing, forming a perfect pendant to what Hamond L'Estrange has recorded against Hamilton on

* Vol. ii. p. 413.

the former occasion. To Montrose, and the rest of the covenanting deputation, his Grace represents the King as an enemy to Scotland, who must be energetically opposed in order to be vanquished. To the King, on the other hand, he points out Montrose, not, indeed, as one of the deep contrivers of the Covenant, but as an enthusiastic adherent, generally intoxicated with a vain ambition,—just such a character, in short, as he had predicted of him before to induce the King to exclude Montrose from Court.

Hamilton, having managed matters in Scotland so as to satisfy the leaders of the Covenant that they had the ball at their foot, returned in the month of July to report progress to his Majesty, and to obtain instructions as to the demand for an Assembly and Parliament. In the interval, the Covenanters were most anxious to bring under subjection the loyalists in the north, that when the Commissioner returned it might be said that the whole of Scotland was within the pale of the Covenant. Montrose was the leader entrusted with this important, and it might be perilous, expedition to seduce or concuss the learned and loyal Aberdonians. It was not a warlike expedition, however, but rather a crusade of itinerant agitators, taking advantage of a vacation at the main scene of action, to stir up disaffection in quiet districts, and, by threatening the respectable and haranguing the vulgar, to create that false excitement upon which a vicious revolution depends. There can be little doubt, however, that Rothes organized the scheme, and influenced Montrose in the conduct of it. This appears to be proved by the following letter, addressed by the former to his cousin, Patrick Leslie, and dated 13th July 1638, shortly before Montrose and his party arrived at Aberdeen.

"LOVING COUSIN,

"Because your town of Aberdeen is now the only burgh in Scotland that hath not subscribed the Confession of Faith,* and all the good they can obtain thereby is, that *if we sail fairly,* as there are very *good conditions offered,* they shall be under perpetual ignominy, and the doctors that are unsound punished by the Assembly; and if things go to extremity because they refuse, and, in hopes of the Marquis Huntly's help, the King will perhaps send in some ship or ships and men there, as a sure place, and if that be good for the country, judge ye of it. It is but a *fighting against the High God* to resist this course, and it is so *far advanced* already, that, on my honour, we could obtain with consent, 1. Bishops limited by all the strait caveats; 2. To be yearly censurable by assemblies; 3. Articles of Perth discharged; 4. Entry of ministers free; 5. Bishops and doctors censured for bygone usurpation, either in teaching false doctrine or oppressing their brethren. But *God hath a great work to do here,* as will be shortly seen, and men be judged by what is past. Do ye all the good ye can in that town and in the country about,—ye will not repent it,—and attend my Lord Montrose, *who is a noble and true-hearted cavalier.* I remit to my brother Arthur to tell you how reasonable the Marquis Huntly was being here away; he was *but slighted by the Commissioner,* and *not of his privy-council.* No further. I am your friend and cousin,

"ROTHES."*

* *i. e.* The Covenant. This first sentence of Rothes's letter does infinite honour to Aberdeen.

† This letter is printed from the original, (which is in private hands) for the Bannatyne Club, in the appendix to Rothes's Relation, presented by James Nairne, Esq.

Montrose was accompanied upon this occasion by Lord Couper, the Master of Forbes, Arthur Erskine, (a brother of the Earl of Mar,) Sir Thomas Burnet of Leys, Sir Robert Graham of Morphie, and, instead of an armed host, the redoubtable trio called the "three apostles of the Covenant," viz. Henderson, Dickson, and Cant. The district to be honoured with this special visitation was an oasis in the desert. The arts of insurgency had been so successful throughout the rest of Scotland, as to create a specious, but false, appearance of national feeling in favour of the Covenant. Here, however, all that was rational, well-ordered, and estimable, was yet actually predominant. Blasphemy did not pass current for piety, nor the darkling and destructive ravings of fanaticism, for the out-pourings of gifted and enlightened minds. The towns and College of Aberdeen were at this time rich in divines and professors eminently distinguished for their learning, integrity, and good sense. The celebrated Dr John Forbes of Corse was Professor of Divinity in old Aberdeen, Dr William Lesly, Principal of the King's College, and Dr Alexander Scroggie, minister. In new Aberdeen, Dr Robert Baron was Professor of Divinity, and Drs James Sibbald and Alexander Ross were ministers. The characters and habits of these highly gifted, and sorely persecuted, clergymen of the north, were affectingly pictured about a century ago, by a townsman of their own. "These," he says, speaking of the divines whom we have enumerated," were then the ministers of Aberdeen, famous then, yet, and ever will be, for their eminent learning, loyalty, and piety. While they were allowed to live there, there was no such cry heard in the streets of that then loyal city, *to your tents, O Is-*

rael, the common cant then of the Covenanters. They were faithful pastors,—they led their flocks to quiet waters—they fed them with wholesome food, brought from the Scriptures, and the practice of the primitive Christians. They had read most exactly the writings of the ancient fathers, in their own language, undervalued now because unknown to the present teachers in that city. They knew the practice of the primitive Christians, in the time of their hottest persecutions by the heathen emperors. They taught their people to obey the King as supreme, and those subordinate to him, for conscience sake, and not to rise up in arms and *rebel* for conscience sake, as the Covenanters did. They were affectionate fathers to their flocks,—they taught them, in the words of the wise man, *My son, fear God, and honour the King, and meddle not with those who are given to change*, and as they taught so did they practise. In fine, the learned works they left behind them, will continue their fame all the learned world over, as long as learning is in any esteem." Such were the champions who, when they heard of the approaching visitation by Montrose and his party, cheerfully made ready to do intellectual battle with the "three apostles of the Covenant."*

The town-council of Aberdeen, informed of the honour that awaited them, had met upon the 16th

* Mr Brodie, overlooking a whole district peopled with those who entertained independent, rational, and conscientious feelings in abhorrence of the jesuitical Covenant,—and in the face of the fact that Huntly himself was murmured against in the north for his supposed want of energy in support of the Episcopal and loyal cause,—thus shortly disposes of the exception of Aberdeen: "In about two months the Covenant obtained the assent of almost every quarter of Scotland, with the exception of Aberdeen, which was withheld through the influence of the Marquis of Huntly, its patron."—Vol. ii. 471.

of July, and resolved to persist in their refusal of the Covenant, and to remain firm in their obedience to the King. * But with the most cordial and Christian feelings were these admirable royalists inclined to meet the disturbers of their peace, and future persecutors. No sooner did the commissioners arrive than the provost and bailies sent one of their number to compliment them, and to offer what was called the courtesy of the town, being a collation of wine and confectionary. "But," says honest Spalding, "this their courteous offer was disdainfully refused, saying, they would drink none with them until first the Covenant was subscribed, whereat the provost and bailies were somewhat offended, took their leave suddenly, and caused deal the wine in the bead-house, amongst the poor men, which they so disdainfully had refused, whereof the like was never done to Aberdeen in no man's memory." It was not alone with food for their bodies that Montrose and his party were greeted at Aberdeen; there was at the same time tendered to their excited minds, the wholesome sedative of certain rational queries and doubts concerning the merits of the Covenant. These were presented to the Commissioners, soon after they had alighted from their horses, in a paper drawn up by the professors and divines of Aberdeen, in which they also declared, that, if Montrose and his compatriots would remove these doubts, the propounders would join in that Covenant with them, from which they had hitherto abstained not without many and weighty reasons, though, *by reason*, they were most willing and anxious to be convinced. There can be no question that even the three apostles of the Covenant were powerless, in all save the arts of insurgency, before the wisdom, the learning, and the Christian integrity of these northern divines.

* Town Records of Aberdeen.

So to the arts of insurgency they instantly betook themselves. The request they preferred, in reply to the challenge of the doctors, was no less than to be permitted to occupy the pulpits on the following Sunday, when they engaged to convert the people, and to satisfy the doctors themselves. To this modest demand it was answered by the champions of Aberdeen, that, although they were willing to yield to any rational proposition, yet they must be excused from admitting to their pulpits those who were anxious to contradict the established doctrines, taught there by clergymen who ought first to be convinced that those doctrines were erroneous. Thus the ministers of Aberdeen were so unreasonable, according to Baillie's view of their conduct, as to insist upon preaching in their own pulpits to their own flocks. The result we may give in the words of Spalding, who was present in Aberdeen at the time: "Upon the morn, being Sunday, thir three covenanting ministers intended to preach, but the town's ministers keeped them therefrae, and would give them no entrance, but preached themselves in their own pulpits. They, seeing themselves so disappointed, go to the Earl Marischall's Close, where the Lady Pitsligo, his sister, was then dwelling, a rank puritan, and the said Mr Alexander Henderson preached first, next Mr David Dickson, and lastly Mr Andrew Cant, all on the said Sunday, and divers people flocked in within the said close to hear thir preachers, and see this novelty. It is said this Mr Henderson read out, after his sermon, certain articles proponed by the divines of Aberdeen, amongst which was alleged, they could not subscribe this Covenant without the King's command, whereunto he made such answers as pleased him best." From James Gordon's manuscript it also appears, that this was one of

the too frequent occasions when the sacred functions of clergymen were perverted to the purposes of political agitation. They chose the intervals of the regular service of the day, in order to collect the people, and, accordingly, says James Gordon, "a numerous convention resorted to hear them; nor wanted there many who came also for derision, which was manifested by the people, of whom some, with little civility, from the leads of a not far-distant building, threw a raven into the crowd of the convention while they were at sermon, which was ill taken by all discreet men. All the three ministers that day preached by turns, over the large window of a wooden gallery that looked into the yard towards the multitude. The arguments of their sermons were, for the brief sum thereof, agreeable to their protestations and remonstrances, and concluded with exhortations and invitations to the people to join in covenant with them, and how necessary it would be so to do at that time; likewise in their sermons they did read the queries of the doctors of Aberdeen, and made a fashion to answer them." On the Monday following, the ministers of the Covenant again preached, or rather harangued the mob, by turns, and their mingled threats and ravings were crowned with a miserable success. Some country ministers of little note, and one doctor, of inferior learning, (Dr William Guild,) were induced to subscribe the Covenant. Among certain burgesses of Aberdeen who subscribed, and for whose conversion the apostles of the Covenant took great credit to themselves, we find *Patrick Leslie*, Rothes's correspondent, who, thus instructed, had probably made a party before-hand,—an idea, indeed, confirmed by James Gordon, who says, "the result of their preaching was the public subscription of some that night

and of some others the week following, who were thought by many to have either delayed, or been purposely kept off till that solemnity, both for the credit of the speakers, and that they might be a leading preparative and example to others." But the greatest prize gained by Montrose and his party upon this occasion was Dr Guild, though the terms of his submission scarcely justify their exultation. That clergyman, along with Mr Robert Reid, minister at Banchorie, only signed, "with these express conditions, to wit, that we acknowledge not, nor yet condemn, the Articles of Perth to be unlawful, or heads of popery, but only promise, for the peace of the church, and other reasons, to forbear the practice thereof for a time. 2. That we condemn no Episcopal government, excepting the personal *abuse* thereof. 3. That we still retain, and shall retain, all loyal and dutiful subjection and obedience unto our dread Sovereign the King's Majesty, and that in this sense, and no otherways, we have put our hands to the foresaid Covenant. At Aberdeen, 30th July 1638."*

Having thus distinguished themselves in Aberdeen, Montrose and his party, about thirty on horseback, visited various districts of the north, holding meetings with ministers and presbyteries, and picking up signatures to the Covenant, from all whom fear, fanaticism, or ignorance characterized, rather than enlightened reflection. Within the presbytery of Strathbogie, however, the perambulators did not venture, for the heart of that was the residence of Huntly. During this excur-

* This important qualification was attested by the signatures of the Commissioners themselves, in these words: "Likeas, we under subscribing do declare that they neither had, nor have, any intention but of loyalty to his Majesty, as the said Covenant bears."—(Signed,) Montrose, Couper, Forbes, Morphie, Leyes, Henderson, Dickson, Cant.

sion from Aberdeen, the doctors prepared and printed a reply to the feeble answer their adversaries had put forth to the queries and doubts presented on their arrival; and when Montrose and his cavalcade returned to Aberdeen, a paper war awaited them on the subject of a mission that was incapable of a rational defence. Each party claimed the victory upon the whole result of this crusade, though it was not much to boast of on either side. Montrose returned to Edinburgh with a parchment full of signatures, too contemptible for history to record, and which he himself was ere long to despise. The doctors of Aberdeen remained in possession of a field of reason, in which their antagonists had been Henderson, Dickson, and Cant.

CHAPTER V.

IN WHICH IT WILL BE SEEN THAT MONTROSE WAS NOT THE MOST DISREPUTABLE OF THE LEADERS IN THE GENERAL ASSEMBLY OF 1638.

HAMILTON returned to Scotland early in August, with an altered countenance. "The Commissioner," says Baillie, "came back before his day, and Dr Balcanqual with him. He kept himself *more reserved* than before. His mother he would not see. Colonel Alexander he did discountenance. Mr Eleazer Borthwick he *met not with.* After four or five days parleying *no man could get his mind.* The King indeed was displeased with his mother, and when his brother Lord William's patent for the earldom of Dunbar came in his hand, he tore it for despite, as he professed, of her. Colonel Alexander openly did give countenance to the nobles' meetings. Mr Eleazer was the man by whom his Grace, before his commission, did *encourage us* to proceed with our supplication.* From all these now his Grace's countenance was somewhat withdrawn." Yet,

* This confession of Baillie's is remarkable, and when compared with Hamilton's professions to his trusting master, his secret denunciations of the Covenanters, and his execrations (to the King) against Scotland, affords one of those startling illustrations of the favourite's duplicity, which will not permit us to doubt the truth of those anecdotes of his double-dealing, and treacherous deportment, so circumstantially related of him by Hamond L'Estrange, and Bishop Guthrie. Mr Eleazer Borthwick is now known to have been the great emissary between the growing revolutionary factions of England and Scotland. He was a Scotch clergyman, but of the covenanting or political temperament, which was too apt in those times to supersede the pastoral duties of a Christian clergyman.

when last in Scotland, Hamilton had so impressed the Covenanters with the idea of his inclination towards them, that even Henderson, their most honest and able apostle, ventured to print, as an argument in his controversy with the doctors of Aberdeen, that the commissioner himself was favourable to the Covenant, and well satisfied in regard to all their proceedings,—an assertion which that nobleman, with real alarm, but affected indignation, now took the utmost pains to contradict. *

It is well known that, upon his return to Scotland, the Commissioner, in the name of the King, offered certain rational proposals for the restoration of order, the security of the persons and property of the lieges in Scotland, and the protection of the freedom and constitutional form of elections, as the necessary conditions of summoning an assembly and parliament. These conditions were vehemently resisted by the Tables, whose object was to obtain such control over the returns as would insure to them the power of packing their conventions; in other words, of retaining the Tables, under a different denomination. Hamilton had also suggested to the King a method of superseding the Covenant itself, by putting in place of it the Confession of Faith, esta-

* Hamilton published a long manifesto to clear himself, upon which it is remarked, by James Gordon in his MS.—"The Covenanters on the other part publish an answer to the commissioner's manifesto, in which they confessed that they never heard him say so much, *verbally*, that he was satisfied with that declaration, but, that by probable reasons, which they expressed, they were *induced to believe* that he was satisfied therewith. It cannot be denied but the three ministers did affirm it positively in their printed answers, and many thought that all the injury that they did to the Marquis was, that they should have *told* so much, for afterwards it appeared that they had no great reason for to think otherwise of him, than they gave out concerning him then. But this paper shot quickly ended betwixt him and them."

blished by various statutes in the previous century, (of which statutes the Covenant professed to be simply a loyal and patriotic renewal,) and commanding it to be signed by his privy council of Scotland, and the whole nation. This Protestant confession, (generally distinguished from the Covenant as the King's Covenant or Confession of Faith,) and his Majesty's unqualified recall, by proclamation, of every measure that could be construed an innovation upon the Religion, Laws, and Liberties of Scotland, might well have satisfied the people, and would, in fact, have done so, had it not been the interest of a faction to meet as usual the gracious concessions of their Sovereign, by a specious and public protestation. The insatiable demands of the Covenanters, and their conduct throughout, have been variously commented upon, and by none with more effective severity than by Dr Cook. Speaking of the crisis to which we allude, that historian observes,—"The various acts of concession were regularly proclaimed, and it was with much reason hoped that moderate men would be contented, and would resist any endeavours to thwart the intentions of the King. A protestation, however, replete with the most disingenuous reasoning, and evincing the determination of the leading Covenanters to resist all terms, was read,* and the Earl of Montrose appeared, upon this occasion, in name of the discontented nobility. This conduct of the Presbyterians *cannot be justified*." †

* It was read by Archibald Johnston, and most probably composed by him. It is inserted at full length in the King's Large Declaration.

† History of the Church of Scotland, Vol. ii. pp. 450, 451. But why not justify them upon some "great principle," as in the instance we have noticed before, p. 149. Perhaps the fact of *Montrose* being prominent upon this occasion rendered a justification less desirable to a historian of the kirk.

Unquestionably this crisis displays Montrose in one of the most factious positions of his early and mistaken career. Yet still, though thus excited, and carried with the movement, he was an active partisan of the Covenant only in public. Of the secret workings, and ultimate objects, of the political party to which he was attached, Montrose was cognisant only in proportion to the congeniality of his dispositions with those of the hypocritical Rothes, the faithless Hamilton, and the cowardly Argyle. If, in the history of the Memorable Assembly of 1638, we do trace indications of Montrose having been forward, factious, and intemperate, we discover him at the same time characteristically distinguished, by his manly and open bearing, even from such Covenanters as Henderson and Baillie, who are generally represented to us as if they had passed without a blemish through those revolutionary transactions. From Baillie himself we obtain an involuntary *exposé* of a convention, the most lawless, tyrannical, and anti-christian, that ever took in vain the sacred names of Religion, and Liberty, and Law. A marked feature of the covenanting revolution was this, that in regard to all the main articles of "the cause," its most plausible professions, and principles, were unblushingly contradicted by its practice. Popish superstition and tyranny were irrationally imputed to the measures of Charles,—and grossly manifested in the doctrines and acts of the covenanting clergy. A freely constituted national Assembly was seditiously demanded from the King,—and the Covenanters proceeded to pack a convention, by means subversive of the fundamental principles of liberty, and freedom of election. The inviolate possession of their laws was

tumultuously maintained against a monarch, who never dreamt of subverting them,—and, anon, before the inquisitorial tribunals of the Covenant, churchmen, and statesmen of the first respectability, already condemned unheard, were insolently summoned to receive their doom from self-constituted judges, who disregarded the established rules of evidence, and scorned the attributes of justice and mercy.

This destructive Assembly met at Glasgow in the month of November 1638. "On Wednesday the 21st November," says Baillie, "with much ado could we throng into our places, an evil which troubled us much the first fourteen days of our sitting. The magistrates with their town-guard, the noblemen with the asssistance of the gentry, at times the Commissioner in person, could not get us entry to our rooms, use what force, what policy they could, without such delay of time, and thrusting through, as grieved and offended us. Whether this evil be common to all public confluents, or if it be proper to the rudeness of our nation alone, or whether the late times, and admiration of this new reformation, have at all public meetings stirred up a greater than ordinary zeal in the multitude for hearing and seeing, or what is the special cause of this irremediable evil, I do not know ;* only I know my special offence for it, and wish it remedied above any evil that I know in the *service of God among us.* As yet no appearance of redress. It is here alone, I think, we might learn from *Canterbury*, yea from the *Pope*, yea from the *Turks* or *Pagans*, modesty and manners, at least *their* deep reverence in the house they call God's

* Perhaps it was what modern factionists have termed "the pressure from without."

ceases not till it have led them to the adoration of the timber and stones of the place. We are here so far the *other way*, that our rascals, without shame, in great numbers, make such din and clamour in the house of the true God, that if they minted (offered) to use the like behaviour in my chamber, I would not be content till they were down the stairs." The subsequent proceedings were in perfect keeping with this opening scene. The details are minutely recorded by the keen partisan who has favoured us with the above, but we shall confine ourselves to what affords an illustration of the conduct and position of Montrose in this Assembly.

Montrose, as we have observed, was not fully in the confidence of the Rothes' clique, and, although at this moment co-operating with them too ardently, was in reality less a party to their secret designs than Baillie, who, in many respects, was himself deluded and deceived. The mixture of shrewd reflections, and simple confessions, thrown out in the letters of that chronicler, betray in a great measure the dishonest constitution of the celebrated convention we are considering. But this light is partial and accidental, for it was not Baillie's object to detect and expose the cabal. To the record of James Gordon we must turn for a detailed account of the scheme of the General Assembly of 1638; and as that account has hitherto remained in manuscript, and will not be found abstracted in the pages of our latest historians of the Church of Scotland, no excuse need be offered for presenting it verbatim to our readers.

"The time appointed for the Assembly was drawing on apace, and commissioners began to be chosen every where. To the end that such might come there only who should stand firm in all the ends of the Covenant,

it was resolved that two sorts of ministers should be passed by. Of the first sort were moderate ministers, who, though they had subscribed the Covenant, yet had discovered their inclinations to rest satisfied with the King's last declaration. The second sort were ministers non-Covenanters, for whom order was taken that their election should be protested against, if they were elected by plurality of votes, and that they should be *processed*, (which could hardly be shunned by any means,) so they would be sure that all such should be laid by, and have no vote in the Assembly. Next, for such ministers as they were sure did incline to the Covenant order was taken that (in case they got not a full vote of the ministers in their respective presbyteries) the ruling elders should have vote in their nomination then, and even after, for which purpose they send their avise to the several presbyteries to send in ruling-elders from every church session, who should equal the voices of the ministers in every presbytery. This device was thought (not only by the King but by many others) disadvantageous to the ministers in four respects: For 1. That no minister should be Commissioner to the Assembly but such as the ruling-elders pleased, for they being equal in number with the ministry, and six ministers being to be put upon the list, out of which three were to be chosen, it is the practice that all the six ministers must be removed at the election, and have no voice themselves, so that undoubtedly the ruling-elders behoved for to over-rule the election of the three ministers to be chosen; or if in any presbytery the six ministers gave their voices before their removal, yet, no man being able to give voice to himself, of necessity the number of lay-voices (if they were unanimous,) must exceed the number of the mini-

sters' voices by one, although the ministers should contradict them. 2. Hereby ruling-elders in presbyteries were made capable of a casting voice upon the ministers, or by equal voice to make a schism and stop all that they pleased. Nor can the answer that is given to the inconvenience satisfy,—viz. that ministers are still moderators,—except you grant a negative to a moderator. 3. That whatever the General Assembly concluded, the Parliament should likewise conclude that same, (except the King's negative hindered, which ever after the Assembly at Glasgow was denied to him,) for their instructions ordered noblemen to be chosen ruling elders where they were, and all such have vote in Parliament. Next, that, for want of noblemen, the chief gentlemen should be chosen commissioners to the assembly, who probably likewise (or some of them,) would be chosen commissioners to the Parliament. For the barons the like may be said, and was seen of the burghs their commissioners, and they were sure what such had voted in an Assembly they would vote over again in a Parliament. This made the Tables so contest to have the Assembly meet before the Parliament should sit down, that so the acts of Parliament might depend on the General Assembly, the members of the General Assembly depend on the Tables, or be the very members of the Tables, but neither Parliament nor Assembly any more to depend on the King, but in effect upon themselves, as it appeared in the following years after they took the power in their hands. Lastly, by this means the laics excused themselves from the power, and from all fear of the clergy, and this was the temper that the noblemen did find out for to curb the untowardliness of the former presbyterian power, which the ministry had exercised in the mino-

rity of King James. These conclusions (as has been already told) though they were prosecuted with great violence by the laity, yet they did meet with resistance amongst the ministry in several presbyteries, and in some presbyteries by all the ministers; for either they refused to let them sit with them, or desired a time to deliberate how they could admit such an innovation, seeing that the Covenant did oppose the like, because, beside the reasons which I mentioned formerly, it was alleged that, albeit at the beginning of the Reformation there was a necessity for ruling elders, yet it was never ordained that they should be equal in voices, or number, with ministers; and next they denied that ever it had been practised that laymen should nominate churchmen who were to be commissioners; they desire them, therefore, to name their lay commissioner, and for to let the ministers name the churchman commissioner, being that ministers knew best who were ablest amongst themselves for such an employment. Yet this contest was ineffectual upon the ministers' parts, for the ruling elders will sit and voice in the election, who, if they can, shall be only such ministers as the Tables had pitched upon, of whom, thus chosen, some had eight ministers' voices, and the suffrages of twenty-two ruling elders. However the plurality of the ruling-elders' voices mostly carried it everywhere. This was complained upon by some ministers to Mr Andrew Ramsay, and Mr Hary Rollock, ministers at Edinburgh, men of the Covenant. But they were answered, that it behoved to be *swallowed* for the time, otherwise the nobility and Boroughs threatened to desert them, which would be a division contrary to their oath. Their next care that the ministers thought on for this evil was for to enter protestations against this clero-laicall, linsey-wolsey,

suffrages and elections. But the nobility had got their foot into the stirrup—there was no remedy for these laic-bishops but patience; it was believed no time now to retire; so all these motions were stifled in the cradle, and proceeded no further than grumblings, of which there was abundance."

The above history suggests the reflexion, that as the unanimity of the nation in signing the Covenant, so much insisted upon by covenanting historians, was false and fallacious, so was the pretended harmony of feeling, and unity of patriotic purpose, upon which they have laid equal stress in recording the history of that memorable Assembly, the mere machinery of a faction, out of which arose the covenanting constitution of Scotland. Nor can the accuracy of the account we have quoted be doubted; for not only is it confirmed by Bishop Guthrie and others, but we find Baillie, in his epistolary history of that Assembly, using these remarkable expressions,—"thirty-nine presbyteries already have chosen their commissioners *as they were desired*" by the Tables in Edinburgh,—and afterwards he affords, unwittingly, a valuable testimony to the superiority which the mind of Montrose displayed, even in the moment of his most factious position, over the meanness of his early political associates. The anecdote now alluded to we proceed to illustrate.

Certain instructions had been sent to the Presbytery of Brechin to direct them in the choice of a representative. Erskine of Dun was first elected, as their ruling-elder, by the voice of *one* minister, and some lay elders. Thereafter the Presbytery met in a greater number, and, by the voices of all the other ministers and elders, Lord Carnegie, the eldest son of the Earl of Southesk, and

Montrose's brother-in-law, was elected. Montrose considered Erskine a more out-and-out Covenanter than Carnegie, and, accordingly, the commission of the former, having been transmitted by the presbytery to be advised by the Tables, was returned with an *imprimatur* on the back of it, to this effect, that the commission must be sustained, and that Carnegie's election was illegal, having passed contrary to the instructions of the Tables. The leading signature to this bold assumption of authority was that of Montrose, who, accordingly, now tendered Erskine's Commission to be read publicly by the clerk of the Assembly. Baillie says, "the clerk, I think *unadvisedly*, read *in public*, not only the commission, but also the Tables' subscribed approbation on the back." This clerk was the notorious Archibald Johnston, and it was not from manliness that he had read aloud what Baillie wished had been kept out of view. The account in the King's Declaration is, that the clerk read out various reasons written on the back of Erskine's commission in support of it, "in which, amongst other things, it was objected against the Lord Carnegie's election that it was made contrary to the directions of the Tables at Edinburgh, which the clerk perceiving stopped, and would read no further." But the Commissioner instantly caught at the advantage, and demanded a copy of that commission, with the deliverance on the back, and the names of those who had subscribed it. The earnestness with which the Marquis of Hamilton pressed this demand in the name of the King, and the severity of his animadversions upon the proceedings of the Covenanters, present one of those contradictory views of his own policy which sometimes raise a doubt whether his object was to support the King or the Covenant.

It is only, however, when these instances are considered hastily, and by themselves, that an idea of true-hearted loyalty can be suggested in his favour. Upon the present occasion Hamilton knew that Montrose was the person responsible for this undisguised assertion of the supreme jurisdiction of the Tables; and all his present earnestness, and vehement assertion of constitutional authority, is accounted for by the desire of obtaining such plausible evidence against the nobleman of whom he was so jealous. The Moderator absolutely refused to comply with the Commissioner's demand, which Hamilton repeated, and said it was necessary to the performance of his duty in the King's service, as his Majesty's delegate, that he should be furnished with a copy. With increasing heat Henderson replied that it could not be granted, as the declaration on the back had been both written and read *accidentally*, and was but a *private* note. "It is no accidental writ, or private paper," rejoined Hamilton, "for it has been publicly presented to the Assembly, by a member of high place and quality, as a justification of his own proceedings in the particular election, and I hereby protest,—which I would do were I the meanest subject in the land, instead of his Majesty's High Commissioner,—against the withholding of any thing so exhibited in a court of justice." After much discussion, Hamilton desired the Moderator to put the question, which Henderson refused to do. The King's Declaration, from which the above details are taken, proceeds to say that,—"the Commissioner, with some mild expressions of distaste, said, 'Let God Almighty judge, if this be a free assembly in which his Majesty's Commissioner is denied that which cannot be denied to the meanest of his subjects', and at last he took instruments, in the hands of the Clerk-Register,

that he was refused the copy of a declarator given in to the Assembly, delivered into the clerk's hands, and publicly read by the clerk, in which, amongst other things, was contained that the election of the Lord Carnegie, commissioner from Brechin, was invalid, as being contrary to the directions of the Tables of the commissioners at Edinburgh; which occasioned the Moderator to say that the Commissioner needed no copy of it, he had so faithfully repeated all that was contained in it. The Commissioner, hereupon, since he could not obtain a copy of it, desired all present to be witnesses of what the Moderator had spoken, and that he had acknowledged his faithful repetition of that part of the declarator whereof he was refused a copy, and thereupon again took instruments. In this business, Sir Lewis Stewart, one of the Commissioner's assessors, spoke some few words, which the Moderator being about to answer, the Lord Montrose forbade him to answer one who had no place to speak there. Afterwards there arose a great contest betwixt the Earl of Southesk, one of the Commissioners assessors, father to the Lord Carnegy, and the Moderator, with so much heat on the Moderator's side, and some Lords who sided with him, that the Commissioner was put to moderate the Moderator, and quench the heat of the choleric assembly, for which many of them gave the Commissioner thanks." The following additional particulars of this scene are from the manuscript of James Gordon.

"Montrose disputed for Dun, and by eighty persons attested Dun's election. Southesk disputed for Carnegie his son, with whom the Commissioner, in Carnegie's absence, took part; but the Assembly sided with Dun. The stir grew so great that the Moderator wished both their commissions to have been annulled before

such heat should have been. To this did Southesk answer sharply. The Moderator replied that he had been his minister twenty-four years, yet had never wronged him. Loudon then said that no lord ought to upbraid a moderator; and then Southesk excused himself and qualified his own words. The contest betwixt Montrose and Southesk grew so hot, that it *terrified* the whole Assembly, so that the Commissioner took upon him the Moderator's place, and commanded them all to peace."

But it is Baillie who supplies the fact of most importance to our estimate of Montrose's conduct and character while thus aiding the storm of faction. Baillie's own objection to the proceedings was not that the Tables controlled the presbyteries, but that Montrose should have been so rash as to commit his party, by a written declaration to that effect on the back of the commission, and the clerk of the assembly so hasty as to read it aloud. Mr David Dickson, one of the three apostles who accompanied Montrose to Aberdeen, even took the liberty to express some such opinion to the Assembly, for Baillie adds, "when Mr David Dickson spake of this *backwrit* as having *some negligence* in it, Montrose *took him hotly*, and *professed their resolution to avow the least jot that was wrote*." We shall find this same chronicler afterwards complaining, bitterly, that even when Montrose was with the Covenanters, they found "*his more than ordinary and evil pride very hard to be guided*." The fact is, that the great characteristics of the party to which Montrose was now attached, and under whose relentless malice he fell, were want of courage and of truth. It has been well remarked, that, "it is impossible to contemplate without disgust the rank hypocrisy and double-dealing which disgraced the leaders

of the Covenant, at the commencement of the civil war; hypocrisy has been justly pronounced the reigning vice of that unhappy age; the motives most commonly avowed were seldom those which really gave birth to the actions of the leading personages on either side, it being usual to cherish a secret purpose, and to keep the eyes fixed on an ulterior object, which, until it was fully accomplished, could only be made the subject of conjecture."* Another historian,—he who says that Montrose was "bloated with iniquity,"—bestows the following commendation upon Baillie. "The writings of Baillie, even his familiar letters, breathe a *manliness of spirit*, and evince intelligence and erudition, that must, for ever, rescue from contempt a class of which he did not conceive himself entitled to rank at the head."† If the class to which this clergyman belonged was in danger of being consigned to contempt, it is not easy to understand how his individual manliness of spirit, intelligence, and erudition, could rescue them. But let us cull an example or two from Baillie's own writings to test the character of one whose prejudiced and excited correspondence is the most authentic source of many of the calumnies yet existing against Montrose.

When the royal order to read the service book was proclaimed, Patrick Lindesay, Archbishop of Glasgow, laid his commands upon Baillie to perform that duty before the synod of Glasgow. Baillie wrote in reply a most humble, we should say abject letter, entreating his Lordship to excuse him, upon these grounds, namely, that having only taken a slight view of the contents of the book, and not being satisfied in his own mind

* History of the Church in Scotland, by the Rev. Michael Russell, LL.D. pp. 181, 183.

† Brodie's History of the British Empire, Vol. ii. p. 506.

with regard to it, finding also that it was generally disagreeable to pastors and people, his mind was "filled with such a measure of grief, that I am scarce able to preach to my own flock; but to preach in another congregation, and that in so famous a meeting, and that upon these matters, I am at this time all utterly unable. Your Lordship, I put no question, is so equitable as to take in good part this my ingenuous confession of the true cause why I am unable to accept that *honourable compliment*, which your Lordship's more than ordinary respect would have laid upon me. So for this, and many *more favours* received, far above my deserving, I pray God to bless your Lordship, and to *continue you many years to be our overseer; for be persuaded* that *many thousands* here where I live are *greatly afraid that whenever your Lordship shall go, their peace and quietness shall go away with you.* This from your Lordship's *very loving friend* and obedient servant, R. BAILLIE. Kilwinning, August 19th, 1637."

But to his foreign correspondent, Mr William Spang, Baillie thus reports the matter: "Our synod in Glasgow was indicted on the last Wednesday of August. The bishop wrote to me, from Edinburgh, to preach thereat, and withal to incite all my hearers to obey the church canons, and to practise the service. I wrote back *a flat refusal*, shewing the irresolution of my own mind. For all this, on the Friday before the synod, I receive new letters, commanding me, upon my canonical obedience, to preach on Wednesday before the synod, committing the matter of my sermon to my own discretion. However I had but two free days, yet I chose rather to obey than to hazard myself in needless contests with a *troublesome man*, and made myself ready

as I might, on 2d Tim. iv. 1. 2. *I charge thee before God to preach in season and out of season.*" *

Now, in *these* letters at least, we can discover none of the "manliness of spirit" to which our historian refers; that to the bishop is tinged with hypocrisy and want of courage, and that to his friend, with something very like want of truth. But this is not all. In the following year this very bishop, whom Baillie knew to be an excellent man, and a valuable pastor, upon whose presence in the diocese Baillie admitted that the peace and happiness of "many thousands" depended, was summoned as a delinquent, along with all the other bishops, to answer (at the bar of an Assembly where they ought to have sat as judges,) to what those prelates justly called "a most infamous and scurrile libel," charging them, indiscriminately, with simony, incest, fornication, adultery, Sabbath-breaking, drunkenness, and gaming. Had Baillie possessed one spark of manliness of spirit, he would have raised his voice, at least in defence of that bishop to whom he had written, but the year before, the letter we have quoted. On the contrary, he joined in the inhuman persecution by which this excellent prelate was ruined—driven from the flock whose peace and happiness depended upon him—*excommunicated*—and all because he *declined* the authority of an unconstitutional and lawless convention! It adds to the meanness of Baillie's conduct that he retained his good opinion of the bishop, and did not desire his destruction, though he thus comments upon it: —"Since his sentence of excommunication he has lived

* Baillie contrived to shuffle out of the duty, and did not preach after all. Mr John Lindsay, the clergyman who did the duty, was very nearly murdered by the women. Probably the danger he apprehended from these furies had more weight with Baillie than his conscience had.—*Journals and Letters*, Vol. i. pp. 7, 8.

very privately, miskent by all, and put well near to Adamson's misery; had not peace shortly come, his wants had been extreme, and without pity from many, or great relief from any hand we know."

Baillie's conscience was at continual variance with his conduct, which betokens no great manliness of spirit. The bishops declined their judges,—it was absolutely impossible to do otherwise and retain a particle of honour or principle. From their presbyterial vatican the faction proposed to launch the thunders of *excommunication*. The proposition was monstrous, and Baillie opposed it,—" excommunication seemed to me so terrible a sentence, and that obstinacy, the formal cause of it, required admonition and some delay of time *after the close* of the process, that I voiced him, [the Bishop of Galloway, their first victim,] to be deposed, but not presently excommunicated. In this I was followed by some five or six, but the rest went on to present excommunication. I remained *that night* in my negative voice, that no bishop should be excommunicated till they had gotten more time to declare their contempt of public admonition from the pulpit of Edinburgh and their cathedral; yet, *considering better of their declinature,* I found it an obstinate avowing of extreme contempt, and *so,* to-morrow. I professed my recalling of my yesterday's voice, and went with the rest in a present excommunication of all the declining bishops." And yet, after all, if a bishop, when he heard of the scandalous injustice done him in his absence, proposed to appear and justify himself, it was termed impudence! " The Bishop of Brechin," says Baillie, " followed. He was proven guilty of sundry acts of most vile drunkenness, also a woman and child brought before us that made his adultery *very probable;* also his using of a massy

crucifix in his chamber. The man was *reputed* to be universally infamous for many crimes, yet such was *his impudence* that it was said he was ready to have *compeared before us for his justification;* but was stayed by the Marquis, lest his compearance should have been [taken] for an acknowledgement of the judicatory." In their absence, however, the most improbable charges were received against them, and the very charge was considered tantamount to proof of the fact.*

The utter destruction of Episcopacy, *per fas aut nefas*, even in England, was the main object of the faction of 1638, which then passed from the leadership of Rothes to that of Argyle. An Episcopal order had unquestionably entered the constitution of the Church of Scotland even under the sanction of Knox himself. It was now determined, however, for the sake of destroying the effect of the King's Covenant, that all the acts composing it implied a total *abjuration* of every condition and species of Episcopacy. The question was thus stated to the Assembly: Whether, or not, according to the Confession of Faith first published in 1580, universally sworn in 1581, and again renewed in 1590, there be any other bishop approved of in the Church of Scotland than the pastor of one flock having no power over his colleagues, and whether or not, according to the received sense of that confession, as it was sworn in these years, every other species of Episcopacy was

* Speaking of the Bishop of Murray, Baillie says,—"Murray had the ordinary faults of *a bishop*—a fourteen days ago Mr Henry Pollock excommunicated Murray, and, as I think, in the great church, *to perform*, as he said, the *man's own prophecy*, who said in that place he would yet be more vile to please the King. There was objected against him, but, *as I suspect, not sufficiently proven*, his countenance of a dance of naked people in his own house, and of women going bare-footed in pilgrimage not far from his dwelling."

abjured, and now, *for that reason*, ought to be removed? Baillie was sufficiently enlightened to feel in his heart and conscience that the proposition intended by this question was not only unsound, but absolutely dishonest. He had brought his mind to accede to the removal of Episcopacy from the Covenanting church, "but withal," he says, "I heartily wished in the act of removal of it, no clause might be put which might oblige us in conscience to count that for wicked and unlawful in itself, which the whole reformed churches this day, and, so far as I know, all the famous and classic divines that ever put pen to paper, either of old or of late, absolved of unlawfulness." Again,—"The question was formed, about the abjuration of all kind of Episcopacy, in such terms as I profess I did not well, in the time, understand, and thought them so cunningly intricate that hardly could I give any answer, either *ita* or *non*." The determination he came to was to make no speech on the subject, but when his vote was called to add a few words in qualification thereof; for, he says, "to make any public dispute I thought it *not safe*, being myself alone, and fearing, *above all evils*, to be the occasion of any division, which was our certain wreck So when *all men were called* to propone what doubts they had, before the voicing, I, with all the rest, was *dumb as a fish*." When it came to his vote he attempted to qualify it by a distinction, but was easily silenced by Loudon and Argyle. On the last day of the Assembly, the proposition, that Episcopacy had been totally abjured in the Confession of Faith in 1580, was again before them, and an act was proposed for ordaining the signing of the Covenant over again, under this new interpretation of the negative confession. To this Baillie was decidedly opposed, and, in the shape of a letter

to the clerk, drew out his reasons of dissent, to be communicated to the Moderator and Lord Loudon. The latter knew well how to manage the conscience of his reverend friend, who himself informs us that, "in voicing this act, whereunto all yielded, I was *ready* to have dissented, which, for *my good allenarly* [solely,] lest I alone should so oft be found contradicting the synod, Lord Loudon perveened, by moving the clerk to *pass by my name* in calling the catalogue."*

A young clergyman of the name of Forsyth, whom Baillie, though shocked by his having fearlessly expressed opinions condemning the resistance to the service book, loved and admired, was deposed upon a libel which accused him of calling the Covenant *seditious, treasonable, jesuitic*, to which charge was added such sundries as these, that,—"he gave money at his entry for his place, and struck a beggar on the Sabbath day; a number of such things were libelled, and urged hotly against him." Baillie's heart told him that injustice was about to be done,—"the Moderator and others, for *his sister's sake*, had a great mind to have delayed him, but, no man speaking for him, he was deposed. I *repented of my silence*; but the reason of it was, both my lothness to be heard often in one day to contradict the whole synod, as also my *fear and suspicion* of further ills in the youth than yet was spoken of!"

So much (and a great deal more might be added,) for the enlightened mind, manly spirit, and sensitive conscience of the Reverend Robert Baillie, among the

* This was worthy of the party that accused Charles the First of inducing a false return of the vote in the Parliament of 1633. The King's Large Declaration narrates the fact of the suppression of Baillie's vote, and comments upon it with merited severity.—See Note in illustration of the Large Declaration at the end of this volume.

best of the covenanting clergy. He was learned, in the sense of having acquired (it is said) a knowledge of thirteen languages—he had a conscience, for it cost him some trouble to keep it quiet—he was enlightened, for he was sensible of the sacred and constitutional character of the episcopal order, with whose irrational destroyers he nevertheless continued to make common cause—nay he was loyal, for he possessed a secret admiration, and sneaking kindness, for the monarch whose ruin he ardently aided to accomplish. But neither the learning, nor the conscience of Baillie, were such as to save him from becoming a blind instrument in the hands of unprincipled democratic spirits, and thus it is, that the voluminous record he has left of his feelings, opinions, and actions, presents so many deplorable inconsistencies. Whatever judgment he possessed was continually overwhelmed by fits of violent fanaticism, and all his good qualities of meekness, modesty, and moderation, became strangely mingled with their opposites, as his not very powerful mind got more and more excited under the fantastical banners of the Covenant. And this is the man who, in his correspondence with the reverend friend whom he was furnishing with materials for a history of the times, did not scruple to impute the meanest motives to the manly-spirited, the high-minded Montrose, in speaking of that nobleman's departure from the covenanting faction.

The Marquis of Hamilton, too, affected to treat the conduct and character of Montrose with contempt. Let us consider his own at this juncture. The persecution of the non-covenanting clergy, and the unprincipled destruction of Episcopacy, took place in a convention

which had previously been dissolved, under pain of treason, by the royal Commissioner, who having done much, by his "serpentine" policy, to ruin the King's affairs in Scotland, and work up the revolt to its present pitch of ungovernable frenzy, suddenly "turned his back upon them," to use Baillie's phrase, when he knew that the Assembly would sit without him, and act more outrageously in his absence. Upon Wednesday, the 28th of November, he announced his determinations to leave them to themselves. "When the Moderator," says Baillie, "pressed the voicing if we were the bishops' judges, there fell a sad, grave, and sorrowful discourse. This was the Commissioner's last passage; he *acted it* with tears, and drew, by his speech, water from many eyes, as I think,—well I wot much from mine, for then I apprehended the certainty inevitable of these tragedies which *now are in doing*. Much was said of his sincere endeavours to serve God, the King, and his country; of his grief, yet necessity to depart. The cause he alleged was the spoiling of the Assembly, which he had obtained most free, by our most partial directions from our Tables at Edinburgh." The letter in which Hamilton tells the King, that of all the promoters of the Covenant, none was "more vainly foolish than Montrose," is dated on the day previous to this scene.* That characteristically fearless expression by which Montrose announced his determination, and the determination of his party, as he supposed, to "acknowledge the least jot of what was writ" by the Tables to the presbyteries, had been so interpreted by Hamilton. Was it his earnest desire for the constitutional purity of the Assembly, or his jealousy of Montrose,

* See before, p. 170.

that induced Hamilton to seize upon what *Montrose alone* had avowed, as the cause of his departure? Did he feel the grief he displayed at his departure,—and were those tears the overflowing of a *patriotic* no less than a loyal heart? His most able and determined eulogist, Bishop Burnet, tells us, that, as the Marquis returned to Court, "his thoughts did bear him sad company during his journey. The *least* painful of them was, that he knew he had many enemies who would impute the present disorders to his mismanagement, if not to his unfaithfulness, but those he quieted with his confidence in his Majesty's justice and his own integrity, and, indeed, any personal hazard could meet him must have had small footing in a mind prepossessed with other thoughts. That which tormented him *most*, as *appears by his letters*, was, that he saw inevitable ruin hanging either over his master, or *his country*, if not over both, since the ruin of either would prove fatal to both. * * * His *affection to his country* and friends did struggle strongly against his engaging further, yet it yielded to his duty, but not so entirely as to clear his spirit of sad regrets." All this is as well feigned on the part of Bishop Burnet, as were the sorrows and tears poured out by Hamilton upon his beloved country. Where are these letters by which it "appears" that alarm for his personal interests was the least, and a foreboding as to the fate of his country and King the greatest torment that possessed him? His eulogist gave them not to the public, because he knew they contradicted that interesting picture of the mind of his hero. Upon the 27th of November 1638, the day before he dissolved the Assembly, Hamilton wrote that memorable letter to the King, which we find, not in Burnet, but in the Hardwicke Collection; and in

that letter his love for his native country, and his tearful tenderness of heart, are manifested in expressions that amount to execration of Scotland. * But of Hamilton's duplicity we shall have too many instances to notice in the progress of our illustrations.

As the favourite glided back to the bosom of his master, Argyle emerged from his lurking-place. This covenanting character was another puzzle for their indefatigable chronicler, and the *naiveté* of Baillie's record is not less amusing than instructive. "Before his Grace's departure, Argyle craved leave to speak, and that time we *did not well understand him*; but his *actions* since have made his *somewhat ambiguous speeches* plain." When the Commissioner left them, the Assembly were in a state of confusion and perplexity, and "some three or four Angus-men, with the laird of Aithie, departed, alleging their commission had an express clause of the King's countenancing of the Assembly." The Moderator, Loudon, and some others, harangued them on the propriety of protesting against the Commissioner's departure, and of their continuing to sit. To this all agreed, but, adds Baillie, "it was good we were all put to it presently, for if it had been delayed till the morrow, it is feared many would have slipt away." On the morrow, however, "Argyle came back to us. The Moderator earnestly entreated him, that though he was *no member of the Assembly*, yet, for the common interest he had in the Church, he would be

* "If I keep my life (though next Hell I hate this place,) if you think me worthy of employment, I shall not weary till the government be again set right; and then I will forswear this country. * * * I have now only this one suit to your Majesty, that if my sons live they may be bred in England. * * * I wish my daughters be never married in Scotland," &c,

pleased to countenance our meetings, and bear witness of the righteousness of all our proceedings. This, to all our great joy, he promised to do, and truly performed his promise. No one thing did confirm us so much as Argyle's presence, not only as he was *by far the most powerful subject in the kingdom*, but also at this time in good grace with the King and the Commissioner; we *could not conceive* but his staying was with the allowance of both, permitting him to be amongst us to keep matters in some temper, and hold us from desperate extremities." The fact was, however, that Argyle took this opportunity of unmasking himself, and of usurping—after *his* kind—the government of Scotland. The King had honoured and trusted Argyle, notwithstanding the solemn declarations of the old Earl, that neither loyalty, nor truth, nor social feeling would be found in his son Lorn. This prophecy was now to be fulfilled. The revolutionary convocation, assembled in that nobleman's patrimonial kingdom of the west, and, suddenly left without a head, was now ripe for his lurking ambition. How accurately had the old Earl predicted in that solemn warning to Charles! A few years from the time it was uttered, and disregarded, the King himself was constrained to publish the commentary we now quote upon the conduct and character of Argyle in this Assembly.

"Towards the end of their Assembly, they divided themselves into several *committees*, which should, after their rising, see all their acts put in execution, a thing never heard of before in that church. The Moderator concluded with thanks to God for their good success, and then to the nobility and the rest for their great pains, and, last of all, with a speech to the Earl of Argyle, giving him thanks for his presence, and counsel,

by which they had been so much strengthened and comforted. The Lord Argyle answered him with a long speech, first intreating all present not to misconstrue his too late declaring himself for them, protesting that he was always set their way, but had delayed to profess it so long as he found his close carriage might be advantageous to their course. But now of late, matters had come to such a height, that he found it behoved him to adjoin himself *openly* to their society, except he should prove a *knave*,—this was, as we are informed, his own word: Then he went on, and exhorted them all to unity, wishing all, but especially the ruling-elders and ministers, to keep a good correspondence, intreated all the ministers to consider what had brought the bishops to ruin, viz. pride and avarice; and therefore willed them to shun these two rocks if they would escape shipwreck. The Lord who delivered this speech, delivered, indeed, the true meaning and sense of the Covenanters, for it was neither the bishops bringing in the pretended innovations, nor their suspecting them to be guilty of the odious crimes expressed against them in their libel, which incensed this and the other Covenanting Lords against the Bishops, but their fear of their daily rising in dignity and place, which, in this speech, is called *pride* in them, and their fear that the bishops might recover out of their hands by law, some of the church lands belonging to their churches, which in this speech is called *avarice* in the bishops. In the meantime, whether it be not pride in these lords to envy any man's rising in the church and commonwealth, according to that worth and sufficiency, which his Prince shall find in him, and whether it be not avarice in them, not to endure that other men should legally seek to recover their own from them, shall be left to the judgment of

the indifferent reader. But for this revolted Lord, who made this speech, and professeth in it, that, if he had now not adjoined himself to them, he should have *proved a knave,* We can give this testimony of him, that at his last being here with Us in England, at which time we had good reason to misdoubt him, he gave us assurance that he would rest fully satisfied if we would perform those things which we have made good, by our last gracious declaration, in which we have granted more than we did at that time promise, so that we had little reason to expect his adjoining himself to them, who had given us so great assurance to the contrary, besides that assurance which he gave to our Commissioner when he was in Scotland; and now, if by his own confession he carried things closely for the Covenanters' advantage, being then *one of the Lords of our secret council,* and that in the end he must openly join with them or be a knave, what he hath proved himself to be, by his close and false carriage, let the world judge." *

When Montrose crossed Tweed with the rebels in 1640, and, as democracy became developed from under the disguise of patriotism, bethought himself of secretly countermining the omnipotent faction that had deceived him and others, he was only struggling to save the King, from whose councils he was excluded, and acting a part, which, however derogatory and uncongenial to his open character, was perilous to his person, and sufficiently justified by the necessity of the case. That of Argyle is the converse of this. The anomalous position he avowed—of a *concealed patriot,*

* King's Large Declaration, 1639, p. 325.

professing loyalty, and promising aid to his sovereign, yet lurking in his councils only to betray him,—can admit of no excuse. To be a privy-councillor was Argyle's hereditary and constitutional position; and that he continued to be a privy-councillor for the alleged purpose of playing into the hands of bolder patriots, instead of patriotically joining them in their open revolt, can be classed under no category of virtue, enterprise, or necessity, but was simply a safe and cowardly perversion of a sacred constitutional trust. The difference between the two cases is the difference betwen the characters of Argyle and Montrose.

CHAPTER VI.

HOW THE LOYALTY OF THE NORTH WAS PARALYZED BY HAMILTON, AND HOW HUNTLY WAS MADE PRISONER BY MONTROSE AND THE COVENANTERS.

HAVING, in the last chapter, contemplated Montrose as a leader in the Assembly of 1638, wherein he shewed somewhat too honest for the councils of the Covenanters, we have now to follow him in expeditions where he likewise proved himself to be too humane for their arms, namely, against Huntly, and the ever-memorable loyalists of the north. But, in the first place, we must consider the position in which Huntly was placed by Hamilton.

Even after certain individuals in Scotland, among whom we must reckon Montrose, had brought that unhappy country into the predicament which might have excused a little "fire and sword" to check the progress of anarchy, Charles invariably proved himself more apt to yield than to resist, and, as we have seen, instead of leading an army against them, devolved the task of settling Scotland upon a "kindly Scotchman," the "ambiguous" son of a covenanting mother. When that Commissioner, after apparently exerting himself, and in vain, to keep the armed convention of 1638 within the bounds of constitutional and Christian order, wrote to Charles, —"it is more than probable that these people have somewhat else in their thoughts than religion; but that must serve for a cloak to rebellion, wherein for a time they may prevail; but to *make them miserable*, and bring them again to a dutiful obedience, I am con-

fident your Majesty will not find it a work of long time, nor of great difficulty, as they have foolishly fancied to themselves,"—and when he proceeded to lay down the plan of a most formidable invasion, which, he adds, "will certainly so *irritate* them, as all those who within this country stand for your Majesty will be in great and imminent danger,"*—it was impossible for the monarch to do otherwise, than respond in a tone of royal indignation against his unruly and irrational subjects, and prepare for inevitable civil war.† Still, however, it was the evil genius Hamilton that ruled the destinies both of Scotland and the King. That re-

* The letter dated 27th November 1638, in Hardwicke's State Papers, already referred to.

† Charles, in one of his letters to Hamilton on the subject of that invasion which the favourite urged and planned, concludes with the loose expressions,—"and so to proceed with fire and sword against all those that shall disobey," his Majesty's proclamation at this crisis. Mr Brodie (Hist. ii. p. 560,) says, that Charles, "in spite of the general abhorrence, was ready to force the canons and liturgy by fire and sword upon Scotland." But this assertion is quite contrary to history. Charles was not prepared with a single regiment or ship to enforce those measures, which he withdrew when he ascertained the violent excitement they were said to have caused. Even Baillie, in one of his mawkish fits of feeling and affection for Charles, says,—"it has been the King's perpetual fault to grant his people's desires *by bits*, and so late he ever lost his thanks." Nor does Baillie deserve the credit which this opinion has sometimes procured for him, it being based upon at least three unwarrantable assumptions; viz. 1*st*, That it was *possible* for a high-minded, enlightened, and Christian king at once to perceive either a necessity, or propriety, of yielding any thing to insurrectionary demands, springing from such a root as the *tithe-cabal*, and first publicly manifested by such an out-break as, to use Baillie's own words, "the serving-maids of Edinburgh, beginning to pull down the bishop's pride." 2*d*, That Charles's vision of the whole affair was not troubled and distorted, and his policy controlled and mutilated, through the policy of the faithless Hamilton. 3*d*, That the King yielded too little and too late, instead of too much and too hastily, and that, supposing he had granted, what Baillie calls "his people's desires," at the very first howl of faction, and to the full extent of its hunger, he would have got other "thanks" than being led sooner to the block.

markable letter to which we have so frequently referred, wherein Hamilton comments so cunningly and partially upon the characters of the leading noblemen in Scotland, covered a deeper design than to put the King in possession of authentic information. Though, in addition to the execrating expressions we have elsewhere quoted from it, Hamilton says,—"I have *missed my end* in not being able to make your Majesty so considerable a party as will be able to curb the *insolence of this rebellious nation*, without assistance from England, and greater charge to your Majesty than this *miserable country is worth*,"—he could not fail, the fact being notorious, to point to Huntly as the centre and rallying point of loyalty in Scotland. "The best way," he says, "that for the present I can think on to secure them, and to make some head for your Majesty, is to appoint the Marquis of Huntly in the north your Majesty's lieutenant, with full power to him to raise such and so many men as he shall think convenient for the defence of the country:" And yet, it will be remembered, Rothes, in his letter to Patrick Lesly, tells us,—"the Marquis Huntly was but slighted by the Commissioner, and not of his privy-council,"—and in the very letter recommending Huntly's appointment, the wily favourite takes care to damn him with faint praise.* When, in a series of political portraits calculated to impress Charles with the idea that nobody at this crisis could be fitly

* "The Marquis of Huntly is unknown to me, more than in general; but much misliked is he here (yet not the worse for that) traduced to be not only popishly inclined, but even a direct Roman Catholic; nay, they spare not to tax him with personal faults. But, however, this I am sure of, *since my coming here* he hath proved a faithful servant to you, and I am confident will be of greater use when your Majesty shall take arms in your hand * * * The Marquis of Huntly certainly may be trusted by you, but *whether fitly or no I cannot say*."

trusted with the government of Scotland but Hamilton himself, that nobleman adds,—"though next hell I hate this place, if you think *me* worthy of any employment, I shall not weary till the government be again set right, and then I will forswear this country,"—it is impossible to doubt that his selfish object was still to preserve his exclusive influence over the King, and the affairs of Scotland. Such was the effect, at least, of his letter, for by return of post his Majesty replied: "HAMILTON—I have sent back this honest bearer both for safety of my letters, and to ease me from length of writing: therefore, in a word, I thank you for your full and clear dispatch, totally agreeing with you in every point, as well in the *characters of men*, as in the way *you have set down* to reduce them to obedience; only the time when to begin to act is considerable. To this end I have fully instructed the bearer with the state of my preparations, that you may govern my business accordingly. You have given me such good satisfaction that I mean *not to put any other in the chief trust in these affairs but yourself*."

Under these fatal auspices, Huntly was nominally invested with the lieutenancy of the north, and with authority to raise his own levies for the King's service. Most reasonably had he required that, along with his commission, there should be sent to him from England two or three thousand men, and arms for five thousand more, as he was in daily expectation of a hostile visit from Montrose. Upon the 25th of January 1639, Sir Thomas Burnet of Leys, a keen Covenanter, though attached to the house of Huntly, came to the Marquis, and in a friendly manner told him that the Tables at Edinburgh had directed a committee to publish the acts of the last Assembly at the market-cross of Aberdeen,

and also to visit the College of Old Aberdeen, and "repair the faults thereof." Upon Huntly's expressing some disapprobation of this plan, as contrary to the King's authority, and the peace of the country, Sir Thomas replied, "My Lord, I fear these things will be done with an army." In vain the gallant Huntly took up his abode in Aberdeen, (his person guarded night and day by four-and-twenty gentlemen of rank and condition) and, from thence cast many a longing look to the sea-port for his promised succours from England. "The commission Huntly received,—the aid of men was promised—but nothing came to him, after much expectation, but arms for three thousand foot and a hundred horse, which came not to him till that year in March, and were sent upon the charges of Dr Morton, Bishop of Durham. As for the soldiers who should have landed at Aberdeen, or elsewhere, it is true that the King had promised Huntly assistance of men, but the Marquis of Hamilton,—who always looked upon Huntly with an evil eye, as the emulator of his greatness, and withal was a secret friend to the Covenanters—dissuaded the King from sending men, alleging for his reason that, if the King did so, it would turn all the burden of the war upon the King. How truly this was said I leave to the readers. One thing certainly is true, that, by this counsel, the King's hopes that he had conceived from his friends in Scotland were blasted; for the noblemen and Highlanders, who stood for the King in Scotland, promised their concurrence upon that express condition, that they might have a considerable number of trained soldiers to join with, who never appearing, some of those who had undertaken to do much for the King, either could not, or made that their pretext why they would not stir. It was by this means

that Huntly was engaged in a manner alone, and necessitated to lay down his arms, and render himself in March following!"*

But Hamilton was not contented with leaving Huntly to his own resources, at this critical juncture. The King wrote to the latter that he, Huntly, must receive all his commands from Hamilton, and the instructions which, through this channel, Huntly did receive were, to remain as much as possible on the defensive, and to risk no hostilities. Thus all the loyalty of the north became worse than useless, and the gallant and energetic preparations, which had been made by the Aberdonians in defence of their Religion, their Liberties, and their King, only brought severer persecution upon themselves.

Upon the 1st of February, Montrose, the Earl of Kinghorn, Lyon of Auldbar (Kinghorn's brother) and several other barons and gentlemen of the covenanting faction, came to Forfar, the head burgh of the shire of Angus, and there, by direction of the Tables, held a committee within the tolbooth of the town. In opposition to these came the Earl of Southesk, the Lord Ogilvy, the master of Spynie, the constable of Dundee, and sundry other loyalists. The committee required them to subscribe the last edition of the Covenant, containing the total abjuration of Episcopacy as unlawful in itself; but having received the indignant reply they probably anticipated, Montrose and his friends proceeded to their chief business, which was to provide the sinews of war by *stenting*, or apportioning the financial burden of it

* James Gordon's MS. Bishop Burnet is totally unable to disprove this charge; and the defence he attempts, in a single paragraph of his Memoirs of Hamilton, p. 117, is a complete failure.

upon the landholders within the shire. "Southesk," says honest Spalding, "speired (inquired) by what authority they were thus stenting the King's leidges? Montrose, being his son-in-law, answered, their warrant was from the Table, (for so were their councils at Edinburgh now named,) requiring him also, and the rest that were there, to number their men, and have them well armed, and in readiness to concur and assist the Table. Southesk answered, they were all the King's men, subject to his service, but to no Table nor subject sitting thereat, and that their lands were not subject to be stented, nor their men numbered, but at the King's command and in his service, and so they took their leave, leaving Montrose and the rest sitting still in the tolbooth of Forfar, at their committee."

At this same time intelligence was brought to Huntly that Montrose and his committee were to hold a meeting at Turreff, a market-town about eleven miles eastward of Huntly's castle of Strathbogie, and that their object was to join in a grand conclave with the northern Covenanters, chiefly composed of the Forbeses, Frazers, Keiths, and Crichtons. Huntly was strenuously advised, by Ogilvy of Banff, to muster his own followers at the same place, on the same day, to operate as a check upon the Covenanters. Montrose was informed of this resolution, which Huntly adopted, but the effect upon his ardent and enterprizing disposition was the reverse of what had been expected. "Montrose," says James Gordon, "was ready at a call, and,—being desirous to show himself as active in his charge as he had been remarkable for countenancing protestations, and the General Assembly of Glasgow, and pulling down the organs of the Chapel Royal of Holyrood House, in the King's Palace, the summer and winter past,—with such

of the cavalry of the Mearns and Angus gentryas were nearest or readiest, or most zealous to the service, he flies over the Grampian hills with all speed possible, scarce ever sleeping or resting till he got to Turreff, accompanied with the number of near two hundred gallant gentlemen, having first not neglected to bid the Forbeses and Frazers, and all whom the shortness of the time could permit them to convene, to be there timeously upon the day appointed, which they failed not to do." By means of this forced march, Montrose reached Turreff before Huntly arrived, and mustering, with his own followers and friends who had joined him, to the number, says Spalding, of "eight hundred well-horsed, well-armed gentlemen, and foot together, with buff coats, swords, corslets, jacks, pistols, carbines, hagbuts, and other weapons,—they took into the town of Turreff, and busked (arranged) very advantageously their muskets round about the dykes of the kirk-yard, and sat within the kirk thereof, such as were of the committee, viz. Montrose, Kinghorn, Cooper, Frazer, and Forbes."

No sooner were they thus established, than the van of Huntly's army arrived, and, finding the village so formidably occupied, drew off to the fields in the neighbourhood. Huntly was accompanied by a gallant host of "gentlemen and others, about 2500, all mounted on horse, though all the horse not fit for service, nor all the men fit to serve on horse." For his council of war he had his gallant sons, the Lords Gordon and Aboyne, who, with the loyal lairds, Drum, Banff, Gight, Haddo, Pitfoddels, Foveran, Newtoun, and Udny, urged their commander to fall on the Covenanters at once, and crush rebellion at its first appearance. The King's Lieutenant, they said, would do no more than his duty

by dispersing the rebels, and if, on the other hand, he departed without striking a blow, his loyal and resolute followers, disheartened by this inaction, would not so readily convene again. But the Marquis of Hamilton had arranged matters otherwise. Huntly, in reply to their spirited reasoning, could only answer, that his *orders* were *not to fight*, and, taking aside the principal noblemen and gentlemen of his train, he satisfied them of the discouraging fact, by showing the instructions he had received. For the rest, he thanked them for their prompt attendance, and exhorted them to continue firm in their loyalty. Meanwhile the Earl of Finlater, who accompanied Huntly, but, as alleged by the contemporary chroniclers, with little stomach for fighting, passed over, of his own accord, to Montrose, to deprecate a rencounter. Montrose sent back this message to Huntly, that he and his party had no intention of breaking the public peace, or molesting any one, but would not submit to injury, if they could help it; adding, that, if Huntly and his friends had business to transact in the town of Turreff, they might betake themselves to any part of it except that occupied by the Covenanters. So ended a meeting from which much was expected and little came to pass. Huntly broke up his rendezvous before sunset, and sent the most of his own followers back to Strathbogie, under the command of his second son, the Viscount of Aboyne, directing his own course towards Forglen, the house of Ogilvy of Banff, accompanied by the brave barons whose blood was up in vain. They dashed their steeds through the village of Turreff, riding under the walls of the kirk-yard, and within two pikes' length of Montrose and his comrades. But not a word was interchanged, and no salutation, or sign of courtesy, past betwixt the

loyal Huntly and the covenanting Montrose. Baillie, —prejudiced, and ill informed as to the motives and springs of action that regulated the conduct of many whom he records,—when rejoicing, with fanatical excitement, over the sufferings of the north, speaks of Huntly as one whose cowardice had betrayed the party that relied upon him. In France, however, where that nobleman was better known, the rumour of this rendezvous took its shape from the reputation Huntly had acquired in a land of chivalry. "This is that meeting," says James Gordon, after narrating what we have more shortly noticed, "which afterwards was known under the name of the *first raid of Turreff*, to distinguish it from a rencountre that fell out there in May following, that year, (1639,) betwixt Huntly's followers, and their neighbours, the Covenanters of the shires of Aberdeen and Banff. It was looked upon as an action on Huntly's part, whose depth or mystery few or none could dive into. * Yet fame, that is no niggard in her reports, when it came the length of Paris, made it pass there in the Parisian gazette, under no less a notion than *the siege and taking of the great town of Turreff, in Scotland, by the Marquis of Huntly*, whom France knew better than they knew Turreff, having seen him some few years before amongst the armies of the most Christian King, commander of the company of the Scottish *gendarmes*, which company is the second of France, in the service against Lorrain and Alsatia, where likewise his two eldest sons, George Lord Gordon, and James Viscount of Aboyne, past their apprenticeships in the school of Mars."

* It is sufficiently explained by what we now know of the policy of the Marquis of Hamilton.

The good town of Aberdeen, expecting a visit from Montrose upon this occasion, had placed themselves in a most formidable posture of defence. But the day after Huntly broke up his array, Montrose disbanded his own army, and betook himself to the south, where preparations were to be made on a greater scale against the stronghold of loyalty and learning.

The momentary glaring on each other at Turreff, irritated both Huntly and Montrose to active operations for a hostile encounter. Huntly still expected the reinforcements from England, along with instructions to act, and in the meanwhile raised a little army entirely from his own private resources. "I have in my younger years," says James Gordon, "often had occasion to see both parties at that time, yet I cannot peremptorily determine the number of those who then and afterwards bore arms under Huntly's command. Yet I suppose I am not far from the truth if I say that his followers and friends were about three thousand, most part foot, and horse the rest. It was with a number not many fewer that Huntly did keep his next rendezvous at Inverury in the end of March."

Montrose, on his part, was no less active than Huntly to put himself in a posture offensive, and was resolved to be no longer as peaceful as he had been at Turreff. In order to be thoroughly prepared for Huntly, he sends intimation * of his plans to the covenanting party of the Forbeses, Frazers, and others, in the shires of Aberdeen and Banff, and advertises the Covenanters be north the river Spey, such as belonged to Murray, Ross, Sutherland, Caithness, to be ready, with all they could

* It was two lawyers who were sent with these commands from Montrose to the northern counties; namely, Messrs James Gibson, and James Baird.

make, to march over Spey and join with him, if need should be.

For more than a twelvemonth past, and ere the King had been led by Hamilton to contemplate the necessity of an appeal to arms, the junto at Edinburgh,—who suffered neither Montrose nor Baillie to have the *entrée* to what the latter calls the "secret wheels within the curtain, where the like of me wins not,"—had been secretly preparing for civil war, by collecting ammunition, pikes, and other offensive weapons, and enticing home, from mercenary campaigns on the continent, their war and weather-beaten countrymen, who had served the very best apprenticeship for the purposes of the faction. It was not merely the military experience of such officers that would render them more efficient than even Montrose,—as the pretended defence of Religion and Liberties, became developed in its offensive form of a factious rebellion,—but the inferior and professional status, of these mercenaries, guaranteed the cause from the fatal effect of rivalry among noblemen, whose relative claims to command could not have been so easily adjusted; and, moreover,—an invaluable circumstance to the covenanting arms,—it was the principle of mercenary service to attend rather to the profit that might be gained in the professional engagement, than to the merits or the nature of the cause espoused. The well known Sir James Turner, (who became a covenanting soldier for a short time, simply because, when in search of service, he happened to stumble upon their army,) makes this confession in his amusing memoirs, that he was one who "had swallowed, without chewing, in Germany a very dangerous maxim, which military men there too much follow, which was that so we serve our masters honestly, it is no matter

what master we serve." It happened, accordingly, that the German wars had trained up a general who in every respect was most suited for the purposes of the "prime Covenanters." But this celebrated character must be introduced in the words of the dramatic Spalding.

"Now about this time, [January 1639,] or a little before, there came out of Germany, from the wars, home to Scotland, ane gentleman of base birth,* born in Balveny, who had served long and fortunately in the German wars, and called to his name Felt Marshall Leslie, his Excellence. His name, indeed, was [Alexander] Leslie, but, by his valour and good luck, attained to this title, *his Excellence*, inferior to none but to the King of Sweden, under whom he served amongst all his cavallirie. Weill,—this Felt Marshall Leslie, having conquest, frae nought, honour, and wealth, in great abundance, resolved to come home to his native country of Scotland, and settle besides his chief, the Earl of Rothes, as he did indeed, and coft fair lands in Fife. But this Earl, *foreseeing the troubles*, whereof himself was one of the principal beginners, *took hold of this Leslie*, who was both wise and stout, acquaints him with this plot, and had his advice for furthering thereof to his power. And first, he advises cannon to be cast in the Potter-row, by one Captain Hamilton, † he began to drill the Earl's men in Fife; he caused send to Holland for ammunition, powder and ball, muskets, carbines, pistols, pikes, swords, cannon, cartill, and all other sort of necessary arms, fit for old and young

* This must mean base by comparison with his rise, and not in the odious sense. Alexander Leslie was of the same stock as the Earl of Rothes.

† Probably Colonel Alexander Hamilton, mentioned afterwards.

soldiers, in great abundance; he caused send to Germany, France, Holland, Denmark, and other countries, for the most expert and valiant captains, lieutenants, and under officers, who came in great numbers, in hopes of bloody wars, thinking, (as they were all *Scots* soldiers, that came) to make up their *fortunes* upon the ruin of our kingdom; (but the Lord did otherwise, blessed be his holy name;) he establishes a council of war, consisting of nobles, colonels, captains, and other wise and expert persons, and in the beginning of this month of January, began to cast trenches, about the town of Leith." Thus the "canniness" of Rothes did more for the cause, by catching Felt Marshall Lesly, his Excellence, than could possibly have been effected by any other means; for, having entered into contract with his chief against his Sovereign, the veteran mercenary, full of talent, experience, and military resources, bent his whole energies to the fulfilment of that contract, and the attainment of his own reward, which he then little dreamt was to be an Earldom from the King himself. As yet invested with no particular command, he continually sat at their Tables, the mainspring of their military movements, and, by his indefatigable and well-applied exertions, not only put them in possession of the Castle of Edinburgh, (which Hamilton had left nearly defenceless,) and the other strongholds of the kingdom, but raised and organized an army sufficiently formidable to march to the borders against the royal standard.

At this crisis, it became of great importance to crush the efforts of Huntly in the north before the King's forces reached Scotland, as a vigorous diversion occasioned by the loyalists in that quarter, would be more than the Covenanters could well cope with in addition

to invasion by land and sea. But the same evil genius of Charles, who infused the materials of certain failure into the royal expedition, took effectual measures to prevent the efficiency of the nobleman he had recommended to the lieutenancy of the north. And, if we may trust the record of a contemporary clergyman, it was not merely by withholding supplies from Huntly, and the power to act with vigour, that Hamilton insured his discomfiture. He is said actually to have written a secret letter to the Covenanters, which he contrived to convey to them within a pistol, and "*which private advice was to curb their northern enemies, or to expect no quarter from the King.*" * James Gordon asserts that this information was the "main reason" of the activity of Montrose, at this time, to subdue the loyal Marquis of Huntly in the expedition we are about to notice. But, even without this anecdote, there is sufficient to account for Montrose's present excitement, in the approaching invasion from England, and the warlike transactions throughout Scotland, under the military agency of Alexander Leslie.

Montrose was followed by the cavalry of the Mearns, Angus, and part of Perthshire, and other districts to the north of the river Forth. Levies of foot were also drawn from these counties, trained, regimented, and put under experienced officers, called from abroad for that purpose, and placed at the command of Montrose, whose whole force, according to the estimate by James

* This anecdote rests on the authority of James Gordon's MS. I have not met with it elsewhere. If the separate and distinct anecdotes of Hamilton's double-dealing, narrated by Hamond L'Estrange, and Bishop Guthrie, be true, there is the less difficulty in believing this one; if they are not true, it is remarkable that so many elaborate fabrications, from different sources, should have been got up against this nobleman.

Gordon, did not at first exceed two thousand horse and foot. With this little army he was now to attempt the reformation of Aberdeen in a more peremptory manner than on the former occasion, when he trusted to the reasoning of the three apostles of the Covenant against the doctors of that enlightened town. Montrose was accordingly invested with the title of General; and the anxiety of the faction for the success of this expedition is evinced by the fact, that, in the quality of his *adjutant*, and instead of the three apostles, there was added to his councils no less a personage than "Felt Marshall Leslie, his Excellence, inferior to none but to the King of Sweden." Huntly was well aware of this gathering storm, but all the aid and encouragement he received from Hamilton were instructions to gain delays, and risk no blood; and though surrounded by gallant hearts like his own, continually urging him to vigorous hostilities, the nobleman who had distinguished himself in fairer fields of chivalry than the kirk-militant was likely to produce, was compelled to plead his positive orders from the King, in opposition to the manifest interests of the royal cause. Under these circumstances, Huntly could do nothing but treat. And here the manuscript account we have so frequently quoted acquires additional authenticity and interest, from the fact, that the writer of it, James Gordon, accompanied his father, Robert Gordon of Straloch, who was one of the commissioners employed in these negotiations.

In the month of March, Montrose arrived at his own house of Old Montrose, to prepare for his expedition, and, according to Spalding, he had with him there, the Earl of Argyle, Lord Couper and others. Before his troops were collected, there came to him, at Old Montrose, as commissioners from Huntly, Robert Gordon

of Straloch, and Dr William Gordon, Huntly's physician, a professor in the University of Aberdeen; and along with these, as representatives of the town of Aberdeen, Dr William Johnston, Professor of Mathematics, and George Morison, one of the town-council. The proposal they brought with them was, that Montrose should confine his military operations to the country south of the Grampians, which divide Aberdeenshire from Angus and the Mearns, until it should be known what prospects there were of a treaty betwixt the King and the Covenanters. Huntly on his part promised to keep himself within the bounds of his own lieutenancy, and to take no measures against the Covenanters be-north the barrier mountains. To this peaceful overture, which was much pressed upon Montrose by the Commissioners, he would only reply, that, in terms of an act of the last Assembly, he was bound to visit the College of Aberdeen, but that he and his followers would pay for whatever they took, and be aggressors in no acts of violence. The result of these missions we shall give in the precise words of the unpublished manuscript.

"How soon they returned from Montrose to Aberdeen, and related their answer, which was nothing pleasing to many, Huntly began to rendezvous his men, and against the 18th of March, had about two thousand two hundred foot and horse well-armed at Inverury, but all of them country people, and though none wanted good will, yet few or none were amongst them who had skill to command, or had ever been upon any considerable service. Huntly, who neither had orders to fight, nor great confidence in the skill of his commanders, resolves at least to put a good face upon the matter, and to keep his men together till he might see the utmost of it.

To which purpose he dispatches the former Commissioners towards Montrose, from the rendezvous at Inverury, once more to try if his former offer of cessation would be accepted, or at least to gain time, till he might have new advertisement from the King, from whom he hourly expected it, either to engage or retire; or if none of that could be acceptable, at least to let him know what the Covenanters' pretences were, and what they desired of him. The Commissioners took little rest till they came where the Earl of Montrose was. They found him in the town of new Montrose,—which is two miles eastward of Montrose's Castle, Old Montrose, and both standing upon the river of Southesk,—with General Leslie in his company, and a considerable number of cavaliers and soldiers, making his rendezvous for his expedition. Thither likewise had he caused bring two pieces of brass demi-cannon, with some other lesser pieces,—strange ingredients for the visitation of a university,—as supposing he should be driven to make a breach in the new walls of Aberdeen, before he should get entry. But when the Commissioners began again to urge their former propositions in behalf of Huntly, they could draw nothing from Montrose but fair and general answers, which either signified little, or were flat refusals, or were slightings of all their proposals. They told the Commissioners, by way of derision, that they behoved to come to Aberdeen to proclaim the General Assembly, which was to be holden that year at Edinburgh, and some such neglectful undervaluing answers, and that they behoved to proclaim the Assembly of Glasgow 1638. Nor did the Commissioners insist much, for at their return they saw Montrose's motion towards the north not like to be retarded by what they had to say, being that he had

taken so little notice of their last coming as that he did not pause nor delay his rendezvous one hour, nor his march anywhile, upon that account.

"Great was the trepidation that was amongst them; and whatever might be the General Montrose's confidence, yet the mixed multitude, his followers, either wanted stomach to the service, or were fearful of the event; and albeit they saw no enemy as yet, they went not about their business with confidence enough. Hitherto they had assisted the reading of protestations, or sitten in Assembly, or taken some empty or disarmed castles; now they supposed they were to dispute it with their enemy in the fields; and whatever means was used by the nobility, or their ministry, to persuade the vulgar sort of the justness of their quarrel, yet the most part of them, who had been born and bred up under a long peace, could hardly distinguish it from rebellion against their King. This abstracted confidence from many of the meaner sort, and bred trepidation in them at the hearing of their own drums, trumpets, and shots.

"At this time likewise, the Covenanters began to wear and take for their colours blew ribbons, which they carried about them scarf-wise, or as some orders of knighthood wear their ribbons. *This was Montrose's whimsies.* To these ribbons ordinarily the cavalry did append their spanners for their firelocks, and the foot had them stuck up in bushes in their blue caps, which device seemed so plausible, that when the army marched towards the border, some short time afterwards, many of the gentry threw away their hats, and would carry nothing but bonnets, and bushes of blew ribbons or pannashes therein, in contempt of the Englishers who disdainfully called them blew caps and jockeys. *

* Spalding thus notices "Montrose's whimsies." "Few or none of

"An instance of the fear that was amongst them was visible enough to Huntly's Commissioners the first time that they came to speak with Montrose; for that night the townsmen of Montrose, espying some fire in the night time, in the hills towards Innermark and Edgell Castle, fell upon a strong conceit that it was Huntly and his forces who were already come within two or three miles of their town, making havock of all before him with fire and sword. This imagination, fostered by their fears, moved them to beat drums and ring their alarum-bell, and albeit it was after ten o'clock at night, yet to arms they would needs go, half in a rage, half in a fear. Great was the noise that they made; and although the Commissioners from Huntly, who were there lodged that night, assured them there was no danger, and that none who belonged to Huntly was nearer them than Aberdeen, yet all that could not quiet them. Nor were they far from falling in upon the Commissioners, to affront or do by them as their fear and fury should prompt them, had it not been for the master of the house where they lodged, who, being provost of Montrose at that time, interposed his authority to pacify the multitude, and caused shut his gates against them. But here it rested not, for need must they run out, they know not whither, nor against whom, remaining at some distance all night in their arms, till

this haill (whole) army wanted a blue ribbin hung about his craig (neck,) down under his left arm, which they called the *Covenanter's ribbin*. But the Lord Gordon, and some other of the Marquis's bairns and family, when he was dwelling in the town, had a ribband of a red flesh colour, which they wore in their hats, calling it the *royal ribbin*, as a sign of their love and loyalty to the King; in despight and derision whereof this blue ribbin was worn and called the *Covenanter's ribbin* by the haill soldiers of the army, and would not hear of the *royal ribbin*,—such was their pride and malice."

break of day discovered their error, and made them know that their supposed enemies were nothing else but heather kindled in the hills, (the which about that time of year the country people used to do in these places when the heather grows old,) which burning, the Commissioners sent from Huntly saw burning, all the day before, hard by them whilst they were on their journey to Old Montrose.

" But the Commissioners sent from Huntly in their return towards Aberdeen, after their second journey to Montrose, saw that which deserves to be put upon record to posterity, and which at that time they looked upon as a certain presage of the war and bloodshed which quickly ensued in the years following; for having taken horse at Montrose, where they left the Earl of Montrose and his followers, a little after sun rising, as they were going towards the mouth of the north-water, which is some two miles distant from the town of Montrose, they and their waiters did espy the sun shining in a perfect blood colour, yet could they discern no vapour which could physically occasion the change of his colour, for he shined at some distance above the sea, and they were hard by the shore. The difference betwixt and other times, when his colour is obfuscated by vapours, was that at other times, at his rise and set, his red colour is dreggy, and inclines to brown; but that day his colour looked like to fresh blood, whereof a little quantity is poured into a bright silver bason; or like a red rose, or like that blood in the cheek which physicians call *sanguis floridus*. A second great difference was in the duration and continuance of that extraordinary colour, for, whereas at other times the vapours take or keep away the sun's bright colour but for some short space after his rise or before his sett, it

was evident enough that this day he keeped that colour most part of the forenoon, and before he did part therewith clouds arising about eleven o'clock in the forenoon took the sun out of their sight. I would have been loath to have related this prodigy, so confidently and particularly, upon any man's assertion or information, being that it is usual to make these things greater than they are, had I not at that time *been myself in company with the Commissioners from Huntly*, and an eye-witness thereunto. Nor should I at that time have trusted my own skill to distinguish between what was natural and what was prodigious, had not I heard the Commissioners, three of whom were well known to have been able scholars and philosophers,* conclude at that time, that neither that colour of the sun, which they were beholding at that time, nor the long continuance thereof, did or could flow from any discernible natural cause. The event since has put it out of doubt that it was as prodigious as these gentlemen at that time did unanimously prognostick it would be. But 'tis time to leave these digressions, which possibly may recreate the reader, and return to the thread of my narration.

" The Commissioners at their return had news that Huntly was disbanded, and had retired himself to Strabogie. Whether it were that he had changed his resolution after he sent away the Commissioners towards Montrose, or that before their return, which was but two nights, that he had *some advertisement from the King so to do*, I cannot, nor ever could afterward, certainly learn. The last I dare not *confidently affirm*, being that, about that very time and day which was

* These were, Robert Gordon of Straloch, (the narrator's father,) Dr William Johnston, and Dr William Gordon.

his rendezvous at Inverury, March 18th,* the King's household entered their journey towards York, and the King himself took not journey towards York till March 27th, which was after Huntly's disbanding some days."

It appears to have been in strict compliance with his orders from Hamilton, that, to the disappointment and disgust of many of his gallant followers, Huntly dismissed a portion of his army, and retired to his own house of Strathbogie, where he took up a defensive position with the forces he retained about his person.† The retreat of the King's lieutenant enabled the northern Covenanters, with the Lord Frazer and the Master of Forbes at their head, to march without molestation to Aberdeen, there to join Montrose, who entered it, says James Gordon, "on Palm Sunday, 30th March, with a *veni vidi vici.*" By his side there appeared the veteran of many a desperate field in the land of battles. Well had Rothes catered for rebellion, when he "took hold" of Leslie. Montrose was instructed to give implicit attention to the advice of this experienced leader, and to consider him as his military tutor. Even the lofty and imperious Montrose submitted, it seems, to this arrangement. "We were feared," says Baillie, in his happiest manner, "that emulation among our no-

* Spalding says, that Huntly held his rendezvous at Inverury on the 25th of March, and dissolved his host on the 26th. These dates are probably more correct than James Gordon's.

† "The reason why Huntly laid down his arms, and at this time entered into capitulations, was that, some time before this, he received by * * * Leslie, brother to the Lord Lindores, express orders from the Marquis of Hamilton, (from whom, by particular mandate from the King, he was to receive his Majesty's orders,) shewing him that it imported for the King's service not to enter in blood, by fighting against the Covenanters."—*William Gordon's Hist. of the Family of Gordon*, p. 268.

bles might have done harm when they should be met in the field; but such was the wisdom and authority of that *old, little, crooked soldier*, that all, with an incredible submission from the beginning to the end, gave over themselves to be guided by him, as if he had been great Solyman. Certainly, the obedience of our noblemen to that man's advice was as great as their forbeers (forefathers) wont to be to their King's command; yet that was the man's understanding of our Scots humours, that gave out, not only to the nobles, but to very mean gentlemen, his directions in a very homely and simple form, as if they had been but the advices of their neighbour and companion." And this crooked familiar, who now so ominously graced Montrose's side, was he who had been greatly honoured by Gustavus Adolphus, his instructor in battle. But Leslie degraded himself too long under the impious banner of the Covenant, and even learnt to become a coward; for this same little old fighting Mentor was in full flight, at the head of "all his cavallirie," from the battle of Marston-moor, some twenty miles homewards, when overtaken by the news that the *battle was their own*. Shade of the immortal Gustavus! *

* The reverend Mr Aiton, in his Sketches of *dramatis personæ* introductory to his Life and Times of Alexander Henderson, thus notices Leslie: "*Lord Leslie* deserves also to be here mentioned *as the conqueror of Montrose*, and the military leader on the part of the Covenanters. This wary General," &c. p. 76. The contrast with their original companionship would have been striking, had the fact so been; but the reverend author is in error, which we must here take the liberty to correct. The conqueror,—if, under the circumstances, that term be applicable,—of Montrose at Philiphaugh, was not this Alexander Leslie, created Earl of Leven, but a much better soldier, namely, *David* Leslie, created *Lord Newark*, who contributed greatly to gain the battle from which the Earl of Leven ran away. Mr Aiton, throughout his work, has failed to distinguish betwixt these two mercenaries of extraordinary fortune.

It must have been a sore sight, to those who remained in Aberdeen to see it, when the combined forces of the Covenanters, eleven thousand strong, paraded upon the links there. Besides his Mentor, Montrose was accompanied by the Earl Marischal, the Earl of Kinghorn, Lords Elcho, Erskine, and by his own brother-in-law, Lord Carnegy, whom Montrose had endeavoured to unseat in the Assembly. Spalding's lament, over the state of his beloved town, at this crisis, is pathetic. He says, that the noble burgh of Aberdeen, being "daily deaved" with the news of the coming of an army, and their own Marquis having dissolved his host at Inverury, and apparently deserted them in the hour of need, and no help arriving from the King, they began to be heartless and comfortless, and entirely to despair, not knowng what course to take. Hitherto there had been brave musterings and drillings, casting of trenches, watches and catbands in the streets, pieces of ordnance in the causeways, and fortifications in every direction; moreover, every man carried at least a sword by his side. But when Huntly seemed to desert them, they held mournful consultations together, and agreed, that, as all seemed lost, they should cast their weapons away, forbear all their warlike preparations, and open wide their gates to the approaching Covenanters. Then every man, forgetting his community, began to shift for himself. Some removed their goods, and some fled with their families from the town. Amongst others, there fled by sea about sixty of the bravest men and youths of Aberdeen, well armed with sword, musket, and bandilier. They took one of the town's colours, and John Poak, their drummer, with them, and resolve to go to the King. And with them were the

ever loyal lairds of Drum, Pitfoddels, Foverane, Balgouny, and the intellectually victorious Doctors, all "upon the 28th of March,* hoist up sail, and to the King go they." Then to the forlorn pulpits of those excellent divines—who had read, most exactly, the writings of the ancient fathers in their own language, led their flocks to quiet waters, and fed them with wholesome food brought from the Scriptures, and the practice of the primitive Christians—there rushed the trash of "the Tables," the comfortless, half-crazy trumpeters of the Covenant, the illiterate and the intolerant, the fanatical, the malevolent, and the ferocious, to howl and hammer out uncouth sedition to the terrified and bewildered people. "There they cry victory! and begin to sing a song to the townsmen of a far other tune than they had learned from their own ministers and doctors, crying down that doctrine which the town's doctors, they knew, were not now in equal terms with them to maintain any more, without affronts to their persons." †

After remaining a few days in Aberdeen, which they completely disarmed, and having done as little violence to persons and property, but as much to conscience and Christianity, as circumstances admitted of, Montrose

* See at the end of this volume, some extracts of this date, from the Town-Council books of Aberdeen.

† James Gordon, who adds—"all their success was imputed to the goodness of the cause, to which God began to shew himself so favourable, that their enemies had fled, whilst none pursued them; and that now the curse was alighting upon Meroz, (so they termed Aberdeen in their sermons,) which came not to help the Lord against the mighty! There was a minister at that time, who did ascribe the fairness of the three last days of March, commonly called borrowing days, that time, to a miracle, in a sermon preached before many witnesses."

and Leslie marched their host to Inverury, to discuss Huntly, leaving behind them the Earl of Kinghorn, as Governor of Aberdeen. "They did lie down at Inverury with open leaguer, having drawn along with them some short field pieces of three feet long, or thereby, which, for all that, were of an indifferent wideness, and did shoot an indifferent great ball. These pieces,—commonly nick-named *Dear Sandie's Stoups*, as being the invention, or so thought, of Colonel Alexander Hamilton, master of their artillery, who himself was nick-named *Dear Sandie*,—were the ordinary field-pieces that afterwards, for some time, were made use of by the Covenanters." * Huntly in the meantime had retired to the Bog of Gicht (Gordon Castle); and, anxious to relieve the north from the plundering and oppressive visitation of the covenanting army, he wrote to Robert Gordon of Straloch, once more to become a mediator betwixt them. Straloch immediately proceeded to Montrose's quarters at Kintore, and urged a treaty. Montrose showed himself well inclined to bring matters to that pass; and it was finally arranged that Huntly and Montrose, each accompanied by eleven of their friends, should meet a few days afterwards, at Lowess, a country village about nine miles south of Strathbogie, and five miles north of the Covenanters' camp. The respective parties met at the appointed place and time, (Lords Oliphant and Aboyne being with Huntly, Lords Elcho and Couper with Montrose,) armed only with walking-swords, and such was the mutual jealousy or formality of the meeting, that a gentleman from either party was appointed to search the other, for fear of hidden arms. Huntly and Montrose then respectfully saluted each

* James Gordon's MS. See before, p. 221.

other, and, after interchanging some expressions of courtesy, they stepped aside and held together a long private conversation, to which the rest were merely spectators. Huntly's friends were somewhat offended at the privacy of this conference, and James Gordon adds, that he never could learn what were the particulars of the private conversation betwixt Huntly and Montrose, which did not transpire. The immediate effect, however, was an agreement quite unlooked for. After a few hours occupied in this manner at Lowess, Huntly mounted his horse, and, without a reason assigned, rode forward with Montrose and his friends to the leaguer at Inverury, where, their appearance being as welcome as it was unexpected, Huntly and his astonished companions, among whom was Robert Gordon of Straloch, were entertained by the Covenanters with great respect and forbearance. The result was, that Huntly signed a paper, the precise terms of which are not known, but which seems to have been some qualified version of one or other of the Covenants, amounting to no more than a declaration in favour of the national Religion, and Liberties,—probably something similar to what Montrose had been satisfied with (on his previous reforming expedition) from Dr Guild and others at Aberdeen.

Montrose, being no party to the covert designs of the faction, was but a blundering Covenanter, and, being upon this occasion left very much to his own devices in furthering the cause, was not only willing to accept of very equivocal converts, but, totally forgetting the importance of the *Magna Charta* of his party, now attempted to make Covenanters of *Papists*, by the ingenious device of waiving the Covenant itself,—as the Play of Hamlet was modified by the itinerant manager.

The fact we are about to illustrate must redeem our hero in the eyes of the historian, whose only objection to the Covenant is, that it did not *sympathize* with *Papists.* * The anecdote is not noticed in any account of Montrose that I have seen, except in the manuscript of James Gordon, who thus narrates it :—

" Huntly, (besides consenting to oblige himself to maintain the King's authority, together with the liberties both of Church and State, of Religion and Laws,) likewise purchased some assurance to his friends and followers. They were of several predicaments. Some of them were landed gentlemen of his name, or his associates, but not his vassals,—others were his own followers and tenants, and amongst these, some were Protestants and others Papists. Assurance was given for all of them in the general that they should not be harmed, nor any thing that belonged to them, they carrying themselves peaceably, and such of them as would subscribe the Covenant, as they were invited to it, so they were content to let them advise upon it, and not to be hasty with them ; and Huntly was content to restrain none who were willing to take the oath of covenant. The difficulty only remained for *such as were Papists,* and so not like to subscribe the Covenant, how they should be secured ; as also what assurance might be expected from them. To this purpose there was a midds fallen upon with all such, that they should be *taken under protection,* they subscribing a declaration of their willingness to concur with the Covenanters in maintaining the Laws and Liberties of the kingdom ; and, that the Papists might be encouraged into the subsigning of such an obligation and bond, there was a decla-

* Mr Brodie. See before, p. 151.

ration emitted *by Montrose* to that purpose, signed by such noblemen as were present with him at that time at Inverury, and by Huntly amongst the rest. The *principal copy of that declaration having fallen into my hands some short time thereafter,** and being as yet by me, I have set it down word for word, it being but very short, and it is as follows :—'For as meikle as those who by profession are of a contrary religion, and therefore *cannot condescend to the subscribing of the Covenant,* yet are willing to concur with us in the common course of maintaining the laws and liberties of the kingdom, these are therefore requiring that none of those who, being Papists by profession, and willing to subscribe the bond of maintenance of the laws and liberties foresaid, shall be in any ways molested in their goods or means, nor sustain any prejudice more than those who have subscribed the Covenant.' (Signed) 'HUNTLY, MONTROSE, KINGHORN, ERSKINE, COUPER.' "

When Huntly arrived with Montrose at the leaguer at Inverury, he there perceived many of his own private and personal enemies, among the Forbeses and Frazers, and immediately became sensible that every attempt would be made on their part to induce Montrose to regard him more unfavourably than he had hitherto done, and perhaps to detain him prisoner. Too proud to enter into conversation himself on the subject, Huntly commissioned his friend Straloch to tell Montrose to be on his guard against the prejudiced councils he would receive from these individuals against the King's lieutenant. Straloch accordingly watched his opportunity, and, finding Montrose alone in his tent, dis-

* Probably in consequence of his father, Gordon of Straloch, having been one of Huntly's companions on that occasion.

charged himself of his confidential mission, and withal told Montrose, that if an attempt were made to take Huntly south with them as a prisoner, the country would not so quietly submit to the outrage as Huntly's enemies imagined. Montrose replied, that very probably these people bore Huntly no good will, and that, indeed, he knew as much from themselves, but, for his own part, was willing to do for Huntly all the good offices he could, and would fail in no promise to him; 'only,' added Montrose, 'there is this difficulty, that business here is all transacted *by vote* and a *committee*, nor can I get any thing done of myself.' 'You have done so much by yourself already,' rejoined Straloch, 'why not the whole? If you be so inclined, of which I make no doubt, then being General here, and the principal person upon this expedition, when you stand to your point, Huntly's enemies must yield.' To which Montrose answered, 'I shall do my utmost for Huntly's satisfaction,' —and with this answer, says James Gordon, who narrates the above, his father was dismissed; nor, he adds, did Montrose "fail of the performance of his promise; for that night, after Huntly had subscribed the paper agreed upon, Montrose was content that he should return peaceably to his own house, which he did accordingly, not without the great miscontent of those who would have had him detained." *

Having thus discussed Huntly, Montrose broke up

* I have adopted this circumstantial account by James Gordon, whose father was one of the party. Spalding says, that the meeting at Lowess occupied two days, the 4th and 5th of April; that on the evening of the 4th, Huntly slept at Pitcaple, and Montrose returned to the camp; and that, after parting on the second day, Huntly went not near the camp, but straight to Strathbogie. Bishop Guthrie gives a very meagre notice of the incident, in which he appears to have been misinformed, and prejudiced against Huntly.

his camp at Inverury, and marched back to Aberdeen. On the march twelve Highlanders, some of Argyle's "uncanny trewsmen," came to Montrose with this message from their master, that he had ordered a regiment, five hundred strong, of his own men, fully equipped in the Highland fashion, to offer their dutiful services. Our hero, who probably wished Argyle and his Highlanders any where but with him, returned a courteous answer, and issued orders for this accession of force not to enter Aberdeen, which was sufficiently burdened already, but to take up their quarters upon the rich lands of the Lairds of Drum and Pitfoddels, a mode of making a campaign pay itself, which "Felt Marshal Leslie, his Excellence," had learnt from the King of Sweden, and now taught them in Scotland. Accordingly, says Spalding, "the gentlemen returned to their Heighland company with their directions, which they *took in good part*, and lived *royally* upon the goods, nolt, sheep, corns, and victual of the ground above-specifeit, to the great hurt and wrack of the country people, for their master's cause, being great anti-covenanters."

On the 9th of April, Montrose was joined at Aberdeen by the Earls of Murray and Seaforth, the Master of Lovat, and others, (with about three hundred horse, well armed,) to offer their assistance in the field, or in council. Accordingly, about this time, a grand conclave, or committee, was held for some days, in which the state of the north, and the position in which the Marquis of Huntly had just been placed, was eagerly discussed. It appears that Huntly's enemies were not satisfied with the manner in which he had been disposed of by Montrose, and the declaration of the latter to Straloch, that he had no command of the

councils of this expedition, and was overborne in committee, now became verified. Huntly was again requested to meet the Covenanters, with which request he reluctantly complied, upon receiving assurance from Montrose, and the other leaders, that he would not be detained prisoner. No sooner had he arrived, however, than the Forbeses and Frazers, and more especially Crichton of Frendraught, the sworn foe of Huntly, began to urge his detention in the most vehement manner, and the result was very discreditable to the party that effected it. Various obligations and new terms were attempted to be imposed upon Huntly, who indignantly demanded that the bond of maintenance he had signed at Inverury should, in the first instance, be restored to him. Then, (says Spalding) the bond being immediately delivered to the Marquis, he asked, 'Whether will ye take me south with you as a captive, or shall I go voluntarily?' Montrose answered, 'Make your choice.' 'Then,' said the other, 'I will not go as a captive, but as a volunteer.' Upon this affair, James Gordon thus comments: "Whether Montrose was content to be overborne by votes, that so it might be his greater glory to lead Huntly to Edinburgh as a trophy of his conquest, or if, indeed, Montrose was overpowered, and constrained to yield to the clamours of the northern Covenanters, who had drawn the south country men their way, *it is uncertain;* but, however, it was concluded that Huntly must go along with them to Edinburgh under a guard, though not disarmed as a prisoner, which was accordingly performed. So Montrose and his party, within less than a fortnight after their coming, marched south again, establishing a committee of the Forbeses and Frazers, and their associates, to guard

the country, which they easily undertook, Huntly being now out of the way. He went to Edinburgh foot for foot with Montrose, accompanied with his two eldest sons, George Lord Gordon, and James Viscount of Aboyne, who voluntarily went along with their father, Lord Ludovick Gordon being but a young boy at school in Boig (Gordon Castle,) with his grandmother, the others, Lords Charles and Harry, young children, the last of the two in France, where he was born, so none of the three in capacity to be taken notice of. True it is that for that time, when Huntly, contrary to parole, was made prisoner, (for I can give it no better name,) few or none of the Covenanters resented that dealing, but rather allowed it; yet it did avail them nothing who were the main abettors thereof, being exposed to greater affronts by his followers immediately thereafter than if he had staid at home, who would have undoubtedly, according to assurance given, have kept in his followers. And for Montrose's going along with that action, it is most certain, to the best of my knowledge, for I write this knowingly, that it bred such a distaste in Huntly against Montrose, that afterwards, when Montrose fell off to the King, and forsook the Covenanters, and was glad to get the assistance of Huntly and his followers, the Marquis of Huntly could never be gained to join cordially with him, nor to swallow that indignity, which bred jars betwixt them in the carrying on of the war, and that which was pleasing to the one was seldom pleasing to the other; whence it came to pass, that such as were equally enemies to both (who knew it well enough,) were secured, and in end prevailed so far as to ruinate and destroy both of them, and the King by a consequent."

Such is an unfavourable account of this matter for Montrose, recorded by a particular friend and follower of Huntly. Menteith, whose history of the troubles was written in French, and printed at Paris in the year 1661, states positively, that when Huntly made his appearance, under promise of safety, at Aberdeen, "immediately they commenced to solicit Montrose not to suffer him to remain in his own country, whatever promise he had made him to the contrary, and although Montrose opposed them to his utmost *(s'opposast de tout son pouuoir)* to prevent their breaking the parole that had been given, nevertheless his single authority being insufficient to prevent it, Huntly and his eldest son were carried prisoners to the Castle of Edinburgh, from whence they were not liberated till the peace of Berwick." Both Wishart and Guthrie exonerate Montrose, but are neither precise nor accurate in the few details they afford, in which they appear too much prejudiced against Huntly. From all the accounts, however, it is obvious that this discreditable proceeding was not the policy of Montrose, and had been carried into execution contrary to his remonstrance and plans, for, when acting for himself, Montrose had actually dismissed Huntly upon the most favourable terms; and if Huntly was of a disposition to cherish, even to the ruin of his King and country, the remembrance of that wrong in after years, the fact of Montrose having commanded various covenanting expeditions in arms against the loyalty of Huntly's district, is sufficient to account for that fatal "distaste," without the necessity of supposing that Montrose was a willing party to the dishonourable act.* Indeed, it appears to be obvious, from

* Huntly, in his spirited reply to the noblemen, gentlemen, and ministers who, on the part of the Covenanters, gave him the option of join-

other unquestionable evidence, that the whole conduct of Montrose upon this occasion was tempered with a generosity and forbearance contrary, not only to the wishes and conduct of the chiefs who accompanied him, and controlled his actions, but to the expectations and instructions of the Tables, and even of some of the most christian of the covenanting clergy. That such an army as he commanded, in those rude and excited times, should have riotously and wastefully luxuriated in their free quarters, upon the estates of the loyalists, seems but the inevitable consequence of such an expedition. But it is worthy of remark, that both Spalding and James Gordon, partisans of Huntly, so far from imputing unnecessary severities to Montrose, bear testimony to his generous forbearance under very difficult circumstances. The plundering that occurred James Gordon refers to the policy of Leslie. He says—"It was observed generally by all, that Argyle was the first who raised fire in Scotland, by burning Airly's house, as General Leslie had first begun plundering at Inverury;" and this is corroborated by Spalding, who states, that "upon Thursday, the 11th of April, the Earl of Argyle's Highlandmen, at command of General Montrose, came into Aberdeen, from out the bounds of Drum and Pitfoddel's ground, and the country thereabout, (where they wanted

ing them, or being confined in Edinburgh Castle, notices thus generally the manner in which he had been entrapped:—"To be your prisoner is by much the less displeasing to me that my accusation is for nothing else but loyalty, and that I have been brought into this estate by such unfair means, as can never be made appear honourable in those who used them." And after scorning the terms offered him, concludes:—"For my own part I am in your power, and resolve not to leave that foul title of traitor as an inheritance to my posterity. *You may take my head from my shoulders, but not my heart from my Sovereign.*" This reply is dated 20th of April 1639, the day Huntly was sent to the castle, and was printed in London in the following year.

not abundance of beasts, mutton, and good fare for little pay,) in order of battle, with bagpipes and Highland arms, about five hundred men. They went about the cross in rank, and being viewed, the General (Montrose) commanded them to go to their lodgings, which were prepared within the town for them; and that *they should do no wrong*, which they carefully obeyed, and for the which the town gave them five hundred merks in money when they removed with the foot army." It is manifest, therefore, that Montrose had been exerting himself, and successfully, on all hands to relieve, as far as possible, town and country from the burdens and excesses of war. Again, James Gordon notes, that,—"April 12th, General Leslie marched out of Aberdeen, southward, compelling the town to pay him ten thousand merks, as a great courtesy to him." The fact was, however, that Montrose's instructions were to exact a hundred thousand merks, and to visit the recusant north, and especially Aberdeen, with the greatest severity in every respect. Had he carried fire and sword through the whole district, he would have done no more than what the Tables, and especially the covenanting clergy, wished and expected him to do. It was through Montrose's leniency, as Spalding expressly admits, that the fine upon Aberdeen was reduced to ten thousand merks; and Baillie, after shortly narrating the subjugation of Aberdeen by Montrose, adds these remarkable expressions of disappointment: "The *discretion* of that *generous and noble youth* (Montrose) was but *too great*. A great sum was named as a fine to that unnatural city, but *all was forgiven*;" and, speaking of the free quarters upon Drum and Pitfoddels—"This was much cried out upon by our enemies, as cruel and barbarous plunderings, but a little time

did try that we had been *too great fools* not to disarm that country altogether, and *use some severity* for example among them; at that time they had no reason of complaining, but greatly to commend, as they did in words, our *leader's courtesy*." The severity which this reverend partisan desiderated was, (as we shall find on another occasion when Montrose's forbearance again disappointed the faction,) *not sparing the enemy's houses;* and thus Baillie himself affords the strongest confirmation of Bishop Guthrie's assertion, in reference to this expedition, namely, that "some fiery ministers, that attended Montrose, urged no less than that he should burn the town, and the soldiers pressed for liberty to plunder it, but he was more noble than to hearken to such cruel motions."

CHAPTER VII.

SHEWING HOW HAMILTON BETRAYED THE LOYAL BARONS OF THE NORTH, AND HOW MONTROSE SUBDUED THEM.

IT was about the middle of the month of April 1639, that Montrose and Leslie returned in triumph from the north with Huntly a prisoner. This was the period of the most general and sincere excitement, throughout Scotland, against the measures of the Court, for the real secret, and the actual temper of the present threatening attitude of the King, was understood only by a few. His Majesty had reached York with an inefficient but most imposing array, and his evil genius, Hamilton, "must," says Sir Philip Warwick, "be a distinct General both by sea and land, and with a good fleet must block up the Scotch seas, and, *to my knowledge*, he promised so to visit his countrymen on their coasts, as that they should find little ease or security in their habitations." Hamilton's own letter, which time has disclosed, verifies the above, for therein, when planning this very expedition, he advises the King to "curb the insolency of this rebellious nation," and to "make them miserable," with "assistance from England." This, he adds, "will certainly so *irritate* them, as all those who within this country stand for your Majesty will be *in great and imminent danger*."* Five months from the date of this letter had scarcely elapsed, when

* Letter in the Hardwicke Collection, already referred to, dated Nov. 27, 1638.

Hamilton was in the Firth, and having brought Scotland to its highest pitch of excitement and irritation, and the King into the most critical position, and having suffered Huntly at that very crisis to be taken prisoner by the Covenanters, he instantly establishes himself on the most peaceful footing with the rebels he was to reduce to misery, and takes the most certain means, by *not* standing for his Majesty, of placing all who did "in great and imminent danger." The important crisis of Hamilton's arrival before Leith is thus recorded in the manuscript of James Gordon :—

"Hamilton came into the Firth of Forth on the first day of May,* with a fleet of about twenty-eight ships, wherein were said, besides the mariners, to have been five thousand foot soldiers, English, together with money and ammunition, for levying and arming soldiers at Hamilton's landing. Sundry noblemen of Scotland, who stood for the King, and some officers of fortune, as they term them, who came along with Hamilton, were appointed to command these levies. Hamilton, at his coming into the Firth, anchored betwixt the two little isles, or Inches, called Inch-Keith and Inch-Columb, riding in the very place where the passage-boats betwixt Leith and Bruntisland make their ordinary and nearest passage at all times. His coming hither begot

* From the Town-Council books of Aberdeen, it appears that the Tables addressed a letter, dated 1st May 1639, to the magistrates, stating that the royal fleet, consisting of twenty-nine sail, had just entered the Firth. Aberdeen was therefore required to levy every fourth man of the sheriffdom, burgh and landward, and send them, suitably accompanied with horse, to the rendezvous at Edinburgh, well armed, and provisioned for ten days, in order to march to the borders, where a simultaneous attack, in co-operation with the fleet, was expected. The town of Aberdeen remonstrates against the order, and pleads its inability to furnish such levies, in the existing distracted state of the north.

a great alarm amongst the commons, and such as were *not acquainted with the mysteries of business*, who upon both sides of the Firth began to run to arms, and to guard the coasts, that Hamilton and his soldiers might be kept from landing; and their trepidation was no whit diminished by the covenanting noblemen, who kept a great deal of stir with rendezvousing, and drawing up horse and foot to keep off Hamilton, who made *no great haste** to come ashore; for all he did was to set his soldiers by turns ashore upon Inch-Keith and Inch-Columb to refresh them; and it was affirmed, that, being there, they caused make some fire-works, which made a noise like unto a volley of muskets shot off, and all to make the ignorant people believe that his numbers were greater than indeed they were. The rest of the time they lay there was spent in making excursions upon passage-boats or fishermen, without offering to come a-land, till his victuals began either to consume or to spoil, or the land soldiers to sicken, and some of them to die; otherwise the fleet did more hurt to the King who sent them than to the enemy. For during the time that he lay in the Firth commander of the fleet, Hamilton had daily correspondence by letter or message with the prime covenanting noblemen, who, under the pretext of that which shall be presently told, sometimes would come a-board of the ships

* Even Baillie remarks this, and declares that he and a few others thought Hamilton "yet a lover of his country,—that the employment was *thrust upon him*,—that he had accepted it with a resolution to manage it for our greatest advantage,—that loyalty to his prince would permit him." But Baillie was not aware of Hamilton's recent letter to the King, in which he denounces them as hypocritical rebels, and forswears Scotland as a *miserable and worthless country!* Baillie adds,—"It was evident he eschewed all occasion of beginning the war; he did not trouble a man on shore with a shot."

where Hamilton was, sometimes one, sometimes another of them. Thus were matters carried underhand, whilst great noise was made about the hindering of his landing, in a comical way; and amongst other zealots none busier to bar his landing than Hamilton's own mother, who came riding towards Leith, at the head of some armed troops, with two case-pistols at her saddle, protesting, as is affirmed, that she would kill her son with her own hands if he should offer to come a-land in an hostile way; and some affirm that she had *balls of gold* instead of lead to kill him withal: The last report I shall not assert for an undeniable truth, though it appears to be true, which was reported of that lady's romance-like caprice in this particular, by the testimony of such as, having written a manifesto * for the Covenanters, do not glory a little in the valour and resolution of the old Lady Marquise of Hamilton against her son."

Among the papers of Montrose's friend and adviser, we find a bond, which will serve to illustrate the general excitement that now prevailed in Scotland. Lord Napier, who adored the King, and abhorred faction, and who strenuously maintained the divine right of Kings, was nevertheless hostile, as we have seen, to the aggrandizement of the bishops. Conceiving that the policy of Laud had brought the King, against his own better judgment, into this hostile posture, and deluded with the idea that the covenanting party meant only to stand on the defensive, for their Religion and Liber-

* Alluding to William Spang's Latin History of the Troubles, which he compiled from the letters he received from Robert Baillie. Sir Philip Warwick says,—"When Hamilton anchors in the Firth, his mother, a violent-spirited lady, and a deep Presbyteress, comes on board him, and surely she had no hard task to charm him."

ties, Napier, though, like Montrose, destined to be involved in the ruin of his Sovereign, was at this moment a Covenanter. The original of the bond, which we quote below, appears to have been left with this nobleman, and it bears evident marks of having been written with great haste and perturbation.* Obviously it refers to the support of the great covenanting army, which for some time past had been gathering under the military auspices of Leslie, who, on the 15th of this month of May, obtained from the estates his commission of Generalissimo, and shortly afterwards marched to the borders to oppose the King. It appears to have been by the common consent of the covenant-

* "Act subscryved for releif and surtie to the lenners of moneys to the good cause. 18th May.

"Quhairas thair is ane absolut necessitie of present moneys for the suply of the good cause, and preventing of the disbanding of our airmies, quhilk ar lyklie to dissolve if they be not furnished—We noblemen, commissioners of shyres and burrowes for Parliament conveined, gives full power and authoritie to the committe quhilk we have apoynted to sit at Edinburgh, to give al sort of securitie, eyther in general, or by any particular persons, quhether noblemen, barons, or burgesses, quhom the persones, lenners of the moneys, please to nominat unto thes quho wil credit the money, and obliges us, the schyres and burrowes for whom we ar commissioners, to pay and refound to the saids lenners of the moneys, or thes quho secureth them to our publik use and behoofe, quhatsomever soumes of money schal be lenned by any, and secured to the lenners by the said committe, or any particular person at their direction, ar [*sic*] thir to be als sufficient a warrand and securitie als the most formal band with the strictest clauses, and obliges us to extend the same in the most formal way, in taiken quhairof, we have subscryved this act at Edinburgh, 18th May. [Signed]

"Rothes, Mar, Montrose, Cassilis, Montgomery, Boyd, Naper, Forrester, Forrester, Balmerino, J. Erskine, Loudoun, J. Cunynghamheid, Wi. Rig. of Atherny, J. Blair of that Ilk, Ro. St Clair, Sir J. Moncreiff, Thomas Hop, W. D. Riccartoune, Dundas of ytt. Ilk, Sir J. Moncreiff, J. Smith for Edinr., Richard Maxwell for Edinr., George Bruce, Da. Conynghaime, Thos. Bruce for Sterling, T. Durhame for Peirth."

Lord Forrester and Sir John Moncreiff had affixed their signatures twice to the above.

ing nobility of Scotland, that their whole military arrangements were now left to the experience and talents of Leslie, who, from his long professional habits, was unquestionably better qualified than any of themselves to organize and order the disposition of their forces. His arrangements were of the most effective nature, and did not bely his reputation as the favourite general of Gustavus Adolphus. The colonels of the army were, for the most part, those nobles who had been active in the cause, and the subordinate steps were bestowed upon professional officers long inured to arms and discipline in their mercenary campaigns abroad. Leslie submitted to the Tables certain articles of war, which he had drawn up after the model of the severe code of Gustavus Adolphus, and these being approved of, he caused to be printed, and circulated among his soldiers. Nor did he neglect the peculiar and important element of his present service,—" the pulpit drum ecclesiastic." No one could accuse Alexander Leslie of being a fanatic, but he well knew the value of fanaticism on the present occasion. To keep, no less than to attract, the whole country to his standard, he flattered the vanity, excited the ambition, and thus attached the services of the covenanting clergy. The camp of the Covenant he imbued as much as possible with the spirit of the Tables, and the General Assembly, in order to increase its belligerent qualities. The ministers were vastly elevated, as well might they be, by the importance of their present position. The very articles of war were redolent of the pulpit. On the title-page was the scriptural motto—" When thou goest out to battle against thine enemies, be not afraid of them, and keep thee from every wicked thing," *—but in case the text

* We quote from a copy of this now rare tract, printed at Edinburgh by James Bryson, an. Dom. 1639.

might not be sufficiently efficacious, it was articled,—"When any march is to be made, every man that is sworn shall follow his colours; whosoever presumes without leave to stay behind shall be punished. If any upon mutiny be found to do it, be they many or be they few, they shall die for it." The first article of the code, however, is titled "Ecclesiastical Discipline," and commences with the provision—"That in every regiment under a colonel, there be an ecclesiastical eldership, or kirk-session," &c. Nor must we forget their celebrated banner, in which a worldly craving for regal power, so characteristic of the Kirk, was thus impiously typified,—"the Scottish arms, and this motto, *for Christ's crown and Covenant*, in golden letters." The policy of all this, in the little old crooked friend of Gustavus Adolphus, may be gathered from the account of Baillie, who, more than half-crazed with excitement on the occasion,* favours us with the following exquisite portrait of himself: "I furnished to half-a-dozen of good fellows, muskets and pikes, and to my boy a broad-sword. I carried myself, as the fashion was, a sword, and a couple of Dutch pistols at my saddle, but, I promise, for the offence of no man, except a

* He says, "I was as a man who had taken my leave from the world, and was *resolved to die* in that service, *without return*. I found the favour of God shining upon me, and a sweet, meek, humble, yet strong and vehement spirit leading me all along; but I was no sooner on my way westward, after the conclusion of the peace, than my old security [*i. e.* his senses] returned." As for the sweet, meek, &c. spirit which carried him along, take the following specimen from the same letter: "They saw we were not to be boasted, and that before we would be roasted with a lent-fire by the hands of churchmen, who kept themselves far a-back from the flame, we were resolved to make about through the reek, to get a grip of some of these who had first kindled the fire, and still lent fuel to it, and *try if we could cast them in the midst of it*, to taste if that heat was pleasant when it came near their own shins."

robber in the way; for it was our part alone to pray and preach for the encouragement of our countrymen, which I did to my power most cheerfully * * * Had you lent your ear in the morning, or especially at even, and heard in the tents the sound of some singing psalms, some praying, and some reading scripture, ye would have been *refreshed*—true, there was *swearing*, and *cursing*, and *brawling* in some quarters, whereat we were grieved, but we hoped, if our camp had been a *little settled*, to have gotten some way for these misorders." The camp was sufficiently settled, however, to take excellent order with their bodies, and Baillie does not forget the refreshment of another description, which his sweet and vehement spirit seems to have no less enjoyed. He descants, with more than the genius of a hungry Scot, upon the comparative merits of the sumptuous feasts of the English general and his own; the fare, he says, at Lesly's long side-table was "as became a general in time of war, but not so *curious* by far as Arundel's to our nobles." And then, "our meanest soldiers were always served in wheat bread, and a groat would have gotten them a lamb-leg, which was a dainty world to the most of them."

In this disgusting army, Montrose commanded a regiment of above fifteen hundred men; but, at the very moment of its march, his services were again required in the north, and he was directed to leave his regiment in the Castle of Edinburgh, under the command of his lieutenant-colonel, and hasten to exert himself in the quarter where the most immediate danger was apprehended. Argyle was at the same time appointed to watch the western coast, where a descent was expected from Ireland, under the Earl of Strafford.

It was in the north that the first collision occurred, the

opening scene of that civil strife which ceased not until after the national honour had received an indelible stain, and the throne itself was swept away. This was the vital quarter at present of the royal cause; and Hamilton, accordingly, there left it to its fate, while Montrose displayed a corresponding degree of activity on the side of the Covenanters. The Viscount of Aboyne, Huntly's second son, a mere boy, was now looked to by the loyal barons as their leader, the Lord Gordon being at this time with his father in the hands of the enemy. But even of this youthful leader the north was deprived at a most critical juncture; for, on the 3d of May, he had suddenly taken his departure by sea, in order to claim succours in person from his Majesty. Aboyne succeeded in obtaining the King's ear, the favourite being absent; and he implored his Majesty to grant him an order upon the Marquis of Hamilton for some of the English troops, to aid the rising in the shires of Aberdeen and Banff. Charles invested the young nobleman with the lieutenancy of the north, and, at the same time, sent a letter by him to Hamilton, in which his Majesty told the latter not to involve him in *money* expense, his Exchequer being drained, but "as for what assistance you can spare him (Aboyne) out of the forces that are with you, *I leave you to judge*, and I shall be glad of it if you find it may do good;" and again,—"if, with the countenance and assistance of what force you have, you may uphold my party in the north, and the rest of those noblemen I have sent to you, *I shall esteem it a very great service.*"* So the fate of the north, and of the monarchy, was again cast upon the will of Hamilton, whose extra-

* This letter, which is printed by Burnet in his Mem. of the Dukes of Hamilton, p. 137, is dated Newcastle, 13th May 1639.

ordinary decision is thus lamely accounted for by his cunning apologist Burnet:—"The Marquis found Aboyne had no propositions to make besides *general stories*, and he saw him to be of an *unstayed humour*, so that *he was hopeless* of any good account of his business. As for money, he was limited by the King, and for men, he had sent away the two regiments that same day; and since he *expected orders* every hour from his Majesty for somewhat to be executed by the third regiment, he could not weaken it too much, yet he sent a *few officers*, the chief of whom was Colonel Gun, together with some ammunition, and four small pieces of artillery." Now it is in curious keeping with the policy we have been considering, that this hero with the portentous name, a Gustavus Adolphus man, so conducted himself in the service upon which he was now sent, as to acquire the title of *Traitor Gun*. James Gordon informs us, that when Aboyne had so far succeeded with the King, "Hamilton, who had quick intelligence of all that passed about the King, being advertised thereof, upon pretext of scarcity of victuals and sickness, sends back these two thousand men for England, before Aboyne came to him with the King's order; so that when Aboyne came to the Firth to Hamilton he was heartily welcomed and feasted it is true, and many vollies shot off at drinking the King's health, but it was shewn him that the *men were gone*, and all that Aboyne could procure was four brass field-pieces, and some field-officers, and some small quantity of ammunition. And above all things, Hamilton gives to him one Colonel William Gun, a Caithness-man by birth, whom he recommends to Aboyne as a trusty and experienced soldier, advising him in all things to be

directed by Gun. Meanwhile, as appeared by the event, Hamilton gave secret instructions to Colonel Gun how to act, as to this hour it is constantly affirmed."*

It was during the interval of Aboyne's absence that a collision in arms betwixt the political parties occurred. The contest was neither obstinate nor bloody, but it acquired importance from being the first clash of civil war, and, as the success was on the King's side, Montrose was dispatched to the north, while

* The following account of the matter is also unprinted, being from a transcript of a manuscript entitled, "A short abridgement of Britain's Distemper, from the year of God 1639 to 1649,"—by Patrick Gordon, (a son of Gordon of Cluny,) who was admitted a burgess of Aberdeen March 23, 1608. An account of this manuscript will be found at the end of this volume.

"Aboyne coming to the fleet [from the King] was very graciously accepted, and by the Marquis, in the Admiral's ship, was royally feasted, with playing of the ordnance at every health; and all this show was sealed with many promises of a real friend, which, by many compliments, procured a firm confidence that all was real. And now, because he could not give him the aid according to his Majesty's appointment, he sends with him some commanders,—for of such he told him he understood his country was wholly disfurnished. One in particular, called Colonel Gun, he recommends unto him, as one whose worth, whose long experience in war, and whose judgment in the art military, deserved a particular regard; and therefore he obtains of Aboyne that he should have the leading of such forces as he could bring to the fields. Such was the integrity of this young Viscount, who was but a child in years, nor had he ever been in action before, much less had his innocent soul been acquainted with the subtle fallacies of state policy; and, therefore, the freedom of his noble disposition would not suffer him to be jealous of whatsoever the Marquis advised him to, and the rather for that they were so near in blood as cousin-germans once removed. But this man's carriage, who was thus recommended unto him, brought forth another aspersion, or rather an evident presumption of Hamilton's intentions. For he committed so many palpable errors in the execution of his charge, as could not be performed by a practised commander but of set purpose to overthrow the business. Yea they were blind who could not see how he, for the short time he commanded in the north, did, as it seemed by premeditation, both weaken and crush in pieces whatsoever was intended for the King's service."

Leslie marched to the borders. We may here extract, from another unprinted and contemporary chronicle, (Patrick Gordon's manuscript quoted in the preceding note,) some account of the state of affairs which now, for the last time, called forth the energies of Montrose to subdue the loyalty of the north.

"Whilst Aboyne was on his dispatch with the King and the Marquis of Hamilton, the Gordons, and some other barons with them that favoured the King, were forced to look to themselves. For the Forbeses, their old enemies, being a great and numerous family of brave and valiant gentlemen, for the most part, with the Hays, Keiths, Frazers, Crichtons, and the whole of the north, being all Covenanters, drew themselves to a head, having their rendezvous at Turreff, where there came numbers of goodly gentlemen well horsed, with a competent power of foot. Of this preparation the Gordons being advertised, repair to Huntly, of some called Strathbogie, and after consultation, being for the most part all landed gentlemen of equal quality, they could not condescend upon a leader. Some would have had the Marquis's brother, Lord Adam; but his brains being cracked, either through some distemper, or rather through a malignant temper of melancholic blood, which ran in his veins from his grandmother, Duke Hamilton's daughter,* was not fitting for the charge. Then they talk of Lord Lewis, the third son of the Marquis; but he was but a child at school, and had not attained to thirteen years of age, and therefore too young for the fields, and his grandmother, the Lady Marquise, was loth to part with him; yet e'er it was long he could not

* Lady Anne Hamilton, daughter of James Earl of Arran, and Duke of Chatelherault.

be restrained, for he secretly conveyed himself to the Highlands, and took the guiding of the rude Highlanders upon him, shewing thereby what one day might be expected, and how this spark was like to grow to a great and ardent flame. Then they resolve to chuse some one of the barons that was there, and they pitched upon the Laird of Banff;* but because he was not of the name, they join to him the Laird of Haddo. And before they could be ready to march, there was a thing which mightily troubled them, which was, in whose name, and for whom, the service should be done; and this bred some delay, till the Laird of Carnburrow, a learned, perfect, wise, and discreet gentleman, told them that the matter was of no small moment, and might come one day in agitation before his Majesty, as it did indeed, and therefore his advice was, that there should be a bond drawn up,—that the same was done, first, in defence of his Majesty's royal prerogative, and, next, for the duty, honour, and service they owe to the house of Huntly, and for the advancement, preservation, and grandeur thereof, against all their enemies. This advice was followed, the bond drawn up, and every man of quality set his hand to it. Then they began chearfully to march, resolving to seek out their enemies, although their numbers were greater than their own by very far. They would not stay for their coming, but, marching all night, they came to Turreff in the morning twilight."

Turreff was occupied by a covenanting army of about twelve hundred horse and foot; but this night march

* James Gordon says:—"After some dispute it was in end concluded that Sir George Ogilvie of Banff, and Sir John Gordon of Haddo, should be Generals, conjunctly, both of them of known courage, but Banff the wittier of the two, and Haddo supposed to be pliable to Banff's councils and advice."

of the barons, who mustered only about eight hundred, took them so completely by surprise, that, it may be said, the Covenanters scampered out as the loyalists scampered in, and this transient and almost bloodless success of the King's cause, obtained the appellation of the *Trot of Turreff*. The leaders of the victorious party —for they were all leaders, and called "the barons" *par excellence*, and this particular crisis, "the barons' reign"—were Clunie, Gight, Haddo, Abergeldy, Newton, Buckie, Park, Letterfurie, Carnburrow, Craig, Invermarkie, all of the surname of Gordon, with the Ogilvies of Banff and Carnousy, the Urquharts of Cromartie and Crombie, Turing of Foverane, Udny of Udny, Leith of Harthill, Seaton of Pitmedden, &c. With these there was but one officer of experience and professional habits, namely, Lieutenant-Colonel Johnston, (son of Johnston of Crimond, provost of Aberdeen,) who led their van.

After their successful dash at Turreff, the barons occupied Aberdeen, and Ogilvy of Banff, and Huntly himself, endeavoured to communicate the hopeful state of the north, by letters, to the King. The fate of these letters we learn from Baillie. "Banff made haste to take all advantages of his scarce-hoped-for victory. He ran over the country, repossessed Aberdeen, which was not unwilling to be brought back to their old friends, advertised the King of his success, and prayed for supply. The *matter was of consequence*. Ogilvie's and the Marquis's letters were intercepted, wherein we saw the appearance of some more troubles from the north." To the utter amazement of the Covenanters themselves, even at this crisis Hamilton persisted in neglecting the cause of the King. "It was thought," says Baillie, "that the most, if not all the

land soldiers which the Marquis had, were intended first for Huntly's service; but *God* disappointed this *very dangerous* intention, by keeping the navy some weeks longer on the English coast than was expected, even till Huntly was in hands, and all his designs broken." But the success of the barons at Turreff, their occupation of Aberdeen, and the ardour of Aboyne, opened a prospect of certain success for the royal cause, had Hamilton co-operated with the north at this time: "Yet if at this same time a considerable supply had been sent to Banff, [Ogilvy,] *he had wrought us much woe;* but Montrose at once, with Marischal, who before this were avowedly joined to our side—these two *noble valiant youths* made haste with all the friends they could gather." *

The Trot of Turreff occurred early on the morning of Tuesday the 14th of May, and the barons occupied Aberdeen from the 15th until Monday the 20th. It appears, by the bond we have quoted from the Napier papers, that Montrose was still in Edinburgh on the 18th. The young Earl Marischal had reached the north before this, (having hastened thither, with some forces levied in the Mearns, to save his lands from pillage,) and from his castle of Dunnotter was negociating with the loyalists, (through the medium of that prudent and peaceful baron, Robert Gordon of Straloch,) and keeping them in play, before Montrose arrived. In vain the gallant barons scattered the Forbeses and the Frazers, and, like a hive dethroned, kept hurrying to and fro, and disputing among themselves, by the Dee and by the Spey, now at Strathbogie, and now at Aberdeen.

* Baillie's Letter to Spang, dated 28th Sept. 1639, a few months after the event.

Aboyne came not with the hoped-for succours. On the 20th they marched from Aberdeen, up the Dee towards Durris, in search of Donald Farquharson of Monaltrie, whom they expected to meet them with the Highlanders of Strathdee, Braemar, Strathaven, and Glenlivet. That night they lay in the fields, and in the morning their hopes obtained a partial elevation, for, with Monaltrie and his men, there came to them a leader in the person of "Lord Ludovick Gordon, Huntly's third son, who had broke away from his grandmother at the Bog of Gicht, and had forsaken the school and his tutor, leaping over the walls, so hazardously, that he went near to break one of his arms; he, I say, in highland habits, being as yet a young boy, had the name of leader to those Highlanders." * Marischal, certain of the immediate co-operation of Montrose, marched upon Aberdeen, which he occupied without resistance on the 23d of May, and had the satisfaction of reconnoitering a host of dissentient highland barons in full retreat before him.

Montrose, in the meanwhile, passing the Grampians in his usual rapid style, entered this luckless town on the 25th, at the head of about four thousand troops, (the flower of which were the cavalry of Angus and Mearns,) and followed by a train of thirteen field-pieces. "He entered the town," says Spalding, "at the Over Kirk-gate Port, in order of battle, with sounding of trumpets, touking of drums, and displayed banners; they went down through the Broad-gate, through the Castle-gate, and to the Queen's Links march they, where all the night they staid under straight watch." Here Montrose found himself surrounded by a council of nobles, the Earls of Marischal, Athol, and King-

* James Gordon's MS.

horn, the Lords Drummond, Couper, and Frazer, and the masters of Forbes and Gray ; and this army brought with it the usual and inevitable accompaniments of such desultory expeditions in such times,—pillage, oppression, and cruelty. Montrose, however, as we shall presently prove from Baillie's letters, did much to restrain the excesses of his army, even to a degree that first brought him into disfavour with the clergy of the Covenant. Nor does Spalding, though no friend to Montrose, fix the excesses upon him. " Upon the 26th of May," he says, " being Sunday, the Earl of Montrose, now called likewise General, with the rest of the nobles, heard devotion ; but the rascal soldiers, in time of both preachings, are abusing and plundering New Aberdeen, pitifully, without regard to God or man." One strange outbreak of their cruelty consisted in leaving not a dog alive that could be found in Aberdeen, from the hound to the house-dog, and from the luxurious spaniel to the cur of low degree. " The reason was, when the first army came here, ilk captain, commander, servant, and soldier, had ane blue ribbon about his craig ; in despite and derision whereof, when they removed from Aberdeen, some women of Aberdeen, as was alleged, knit blue ribbons about their messens' craigs, whereat thir soldiers took offence, and killed all their dogs for this very cause."

On Monday the 27th, Montrose summoned a council of war to decide upon the fate of the prelatic towns. Those eulogists of the Covenant,—who execrate the memory of that " bloody murtherer," Montrose, and deem it anti-christian to criticise the " sweet, meek, humble, yet strong and vehement spirit" of a Baillie, a Dickson, a Henderson, a Rollock, or a Cant,—reject with scorn the testimony of Bishop Guthrie, when, in reference

to these northern expeditions, he says of Montrose, "his generous mind was more eager for victory than execution," and that he resisted the urgent demands of the ministers, that the towns of Aberdeen should be given up to the horrors of indiscriminate plunder and conflagration. But this account is unquestionably corroborated by the contemporary notices of Baillie and Spalding. Even the meek, sweet spirit of Baillie panted after the blood and ashes of the loyal north; but Montrose refused to glut it. The matter had been debated in council, and Baillie insinuates, that the soldiers of the Covenant fell off from their standard, in consequence of the ill-timed humanity of Montrose. "Banff," he says, "dissolved his forces, Aberdeen rendered at once, all was carried before us. But ere it was long, our forces likewise disbanded, as was thought on some malcontentment, either at *Montrose's too great lenity in sparing the enemy's houses*, or somewhat else." And this was Baillie's constant complaint of Montrose while in arms for the Covenant; "the *discretion* of that generous and noble youth was but *too great*"—"all was forgiven to that *unnatural city*"—"fools not to disarm that country altogether, and use *some severity* for example among them; they had no reason of complaining, but *greatly to commend our leader's courtesy*."

Spalding, on the other hand, dwells pitifully on the sufferings of his native place, successively the prey of either party. He cannot, indeed, bring himself to laud the too victorious Montrose, but he scarcely directs a bitter word against him, and even affords positive testimony to his forbearance. The salmon fishers of the Dee and Don had been attacked by the lawless soldiery, and robbed of their fish. These brave watermen killed

a soldier in defence of their salmon, and also complained to Montrose, "who commanded ane watch, night and day, to keep and defend both the rivers of Dee and Don from such wrongs and oppression, and thus the watermen were made free." Spalding, indeed, withholds the merit here, for, says he, "thir waters pertained heritably, for *the most part*, to burgesses Covenanters;" but then he admits, that the result of Montrose's council of war was, "that they took from the town of Aberdeen, ten thousand merks, to save it from plundering," and that the money being paid, and the order upon the inhabitants to deliver up their arms complied with, "no other goods nor gear were plundered out of any of the towns, *as the General had given orders*, except arms, and the town's fine." There is no reason, however, for saying that Montrose's leniency was of a nature that indicated at this time any want of sincerity in the cause he was supporting. He did what he could to restrain the lawlessness of a desultory army, by submitting them to musters and reviews upon the links, and then ordering them to their quarters. But so peremptory was he in dismantling the hostile preparations and defences of the town, and in disarming the inhabitants, that when the drum beat through the Old Town of Aberdeen, commanding them, on pain of death, to deliver up their whole arms to the Laird of Craigievar, "the Old Town people, trembling for fear at this uncouth kind of charge, came all running with some few muskets and hagbutts, others with a rusty sword, others with a headless spear;" and, adds the same inimitable chronicler, "the country round about was pitifully plundered, the meal girnels broken up, eaten and consumed,—no fowl, cock or hen, left unkilled." Then Montrose decreed that, by eleven

o'clock of the day following that on which he held the council of war, the fine of ten thousand merks should be paid, under pain of the town being given up to plunder. Thus he both exacted the fine and saved the town. It appears, by the treasury accounts still extant in Aberdeen, that the treasurer paid accordingly, to the uttermost farthing, and Spalding himself tells us, that, by the General's orders, neither goods nor gear were plundered. Even the remonstrance of Aberdeen indicates a sense of the humanity of its Conqueror, while the reply of Montrose shews that he was as earnest in their subjugation, though not so savage, as his present coadjutors. 'Why,' said the representatives of this persecuted place, 'are we thus used? You required us to subscribe the Covenant, at your sword's point, and we did so—we are Covenanters; yet we are the only Burgh, throughout covenanting Scotland, which is not suffered to abide in peace, but is kept in continual perturbation and misery.' 'True,' replied Montrose, 'you subscribed the Covenant, but you have broken faith, and are not good Covenanters, for you have endeavoured to stir up the King himself against the cause, and you have received and entertained the plundering and oppressive barons, and therefore the town of Aberdeen is neither to be trusted nor believed.' To which the town of Aberdeen made answer, that what they had written or done, was with the best intention, and as for receiving the barons, they could not keep them out, and got no good by them.

Montrose now thought it high time to break "the barons' reign." Having punished and lectured this ill-fated town, but withal spared its inhabitants and houses, he marched out of Aberdeen on the morning of the 30th of May, in order of battle, the infantry going

first, followed by Montrose at the head of his well appointed cavalry. Spalding says they were ten thousand strong, and cheered on the march by their bagpipes, trumpets, and drums, and the rattle of ten brazen field-pieces in their rear. "Montrose's intention," says James Gordon, "was to besiege the houses of the gentlemen of the name of Gordon; for upon his appearance the barons were disbanded, and every one run a several way, so that Montrose could hardly tell where to find an enemy." That night they encamped at Udny, and marched from thence on the following day to Haddo House, or Kellie, belonging to Sir John Gordon of Haddo. But the place where Montrose determined to commence operations was before the castle of Sir George Gordon of Gight, in which that bold baron, aided by the determined spirit and practical skill of Lieutenant-Colonel Johnston, whom he had along with him, was so well fortified as to reject and defy the summons of his formidable pursuer. Montrose, unprovided with a battering train, turned his field-pieces against the castle, and for two days and nights vainly essayed to effect a breach, when suddenly he heard that a fleet, bearing Aboyne, as Lieutenant of the North, and a well appointed army, was about to arrive at Aberdeen. Never doubting that the royal lieutenant would be now at least most efficiently supported, and his own forces being diminished, (according to Baillie's account, "on some malcontentment at Montrose's too great lenity,") our hero, aware of the danger of a superior force interposed between him and the Tables, fell back upon Aberdeen, which he again entered, on Monday the 3d of June, by one of those rapid movements so characteristic of his desultory campaigns. Montrose maintained his dignity as a conqueror, by remaining a whole

day in the town of Aberdeen, which he quitted shortly before Aboyne entered the Road, and marched homewards, in perfect order, with his troops and artillery. On the way he paused for a night at the Castle of Dunnotter, where he was received by the Earl Marischal himself, who, with a few horse, had preceded Montrose some days on the retreat.

It was about the 5th of June that Aboyne entered the Road of Aberdeen, with two armed vessels of sixteen guns each, and a Newcastle collier. He was accompanied by Ogilvy of Banff, Irving of Drum, and other loyalists, who had been lately compelled to seek safety in flight, but now returned with renewed hopes for the success of their cause. The Earl of Tullibardine also accompanied the young Viscount; and, to the great annoyance of the Covenanters and their reverend chronicler,* with Aboyne came even Glencairn, the representative of the noblest and purest covenanting blood in Scotland, who refused to recognize the faction that now took the name of the Covenant of his fathers in vain. And last, though not least, there was Colonel, *alias* Traitor Gun, one who had become a creature of Hamilton's, from the period of the Marquis's memorable campaign with that immortal and eternal Gustavus Adolphus. For several days the young lieutenant, having proclaimed his Commission, abode in his ships, in the hope of being joined by three thousand auxiliaries, which Hamilton had given him some reason still to expect. But these came not, and Glencairn and Tullibardine, apparently disheartened and disgusted at the aspect of affairs, took their leave of Aboyne, and de-

* "Glencairn, who unhappily all this time otherwise than his forbears, to the losing of the hearts of all his friends, for the Marquis's pleasure, had deserted his company."—Baillie.

parted to their own homes. Thus was this young and inexperienced nobleman left to sustain the weighty burden of the royal cause in the north, and that with a less trusty military preceptor at his side than the Covenanters attached to Montrose on his second expedition to Aberdeen.

There was now a most important collision about to occur, at a very critical period for the country, and yet the leaders on both sides were mere boys, with the exception of Montrose, who himself was not above twenty-seven years of age. His distinguished ally Marischal (Baillie calls them "these two noble valiant youths") was somewhat younger, being at this time scarcely three-and-twenty. James Gordon, speaking of Marischal in the year 1640, says that "he was not ill disposed if left to himself, and at this time too young to see the depth of these courses that he was led upon by the wisdom of his cousin Argyle, though much against the liking of his mother, Lady Mary Erskine, Countess of Marischal, who laboured much, but in vain, to reclaim her son to the King's party." Then, the loyal nobleman, whose duty was no less than to sustain the King's cause, had seen but nineteen summers; and, as Glencairn and Tullibardine left him to his fate, there came to support that standard, tottering in the youthful grasp of Aboyne, a hand less steady and a head less wise than his own. Young Lord Lewis Gordon, whom we have already heard of as the spoilt pet of his grandmother, a boy of thirteen, or little more, and the wildest and most wilful of his times, "hastily," says Spalding, "raises his father's ground, friends and followers, men tenants and servants, who most gladly and willingly came with him, and, upon Friday the 7th of June, marched in brave order, about a thousand men on horse and foot,

well armed, brave men, with captains, commanders, and leaders, trumpets, drums, and bagpipes, and to Aberdeen came they, to meet the Lord Aboyne, having also in their company four field-pieces of brass, which they brought with them out of Strathbogie." It is not unlikely, that the departure of Tullibardine and Glencairn, to their own homes at this time, was occasioned by disgust at the fact, that while Hamilton persisted in withholding all efficient assistance from the royal cause, now left with the striplings of Huntly, others joined them who neither added strength nor credit to the cause. With Lord Lewis came " James Grant, a son of the family of Carron, on Spey side, with some twenty of his followers. This gentleman had been an outlaw several years before, upon a private account, which was, that his nephew, John Grant of Carron, had been killed by a near neighbour, John Grant of Balnadalloch, which slaughter was so resented by James Grant, that, to prosecute the revenge thereof, he wilfully turned outlaw, and had been prisoner in Edinburgh Castle not long before, and had made his escape thence; but being well descended, and cousin to Huntly on his mother's side, he was protected in the country, and at this time owned by Aboyne, although the Covenanters took occasion thence to traduce Aboyne and that party for taking such associates by the hand. They got greater ground to speak by Aboyne's taking under his protection one John MacGregor, a Rennach man born, known by the Irish nickname of John Dowgeare, and a notorious robber; yet was he and his followers, about twenty-four arrant thieves and cut-throats, taken into the party. The addition of all these, as it contributed little to the service, so it gave great occasion to the Covenanters to upbraid Aboyne, who, being young and inexperienced, was per-

suaded thereto by such as either looked not to his honour, or wilfully strove to affront him; and the wise and most sober of his friends were very ill satisfied therewith, and so much the rather that these two bandits, though both of them were willing to serve Aboyne, yet they could not agree together, but wherever they met they were like to fall to blows with their companies, and could hardly be kept asunder,—the reason whereof was, because James Grant had killed one Patrick MacGregor, brother to the Laird of MacGregor, who had undertaken, by warrant from the Privy-Council, to kill or retake James Grant. This slaughter was as much resented by the Clan Gregor, according to the Highland form, as Carron's slaughter was resented by James Grant." *

Such was the position of the royal cause when Aboyne, and Traitor Gun, marched against Montrose early in the month of June 1639.

* James Gordon's MS. This evil communication appears to have corrupted the wild Lord Lewis, for Spalding narrates of him, that, in the beginning of the year 1641, "Lewis Gordon, being with his father the Lord Marquis of Huntly at London, upon some alleged miscontentment left his father's company, but [without] his knowledge, and to his great grief and displeasure; for his said son, unwisely and unhappily, conveyed privately away with him his father's haill jewels in ane little cabinet, being of a great worth, and to Holland goes he, leaving his father sorrowful for his lewd miscarriage; whilk, amongst the rest of his crosses, he behoved patiently to suffer, suppose [notwithstanding] himself had not great store of wealth lying beside him for maintenance of his noble rank at that time." We will hear of this wild sprig again, in his petted and wayward rivalry of Montrose,—when Montrose was no longer his enemy,—whence a rhyme, says Sir Walter Scott, not yet forgotten in Aberdeenshire:—

If you with Lord Lewis go,
You'll get reif and prey enough;
If you with Montrose go,
You'll get grief and wae enough.

CHAPTER VIII.

HOW HAMILTON BETRAYED THE KING, AND MONTROSE DEFEATED ABOYNE BEFORE THE TREATY OF BERWICK.

IT was about the latter end of May, and while Montrose was retreating southwards from his successful campaign, that the King pitched his camp in the neighbourhood of Berwick, from whence he reconnoitered through his prospect-glass, the covenanting army encamped at Dunse Law. Although Hamilton, to use Baillie's expressions, had "eschewed all occasion of beginning the war, and did not trouble a man on the shore with a shot," and although his forces were undiminished by any assistance afforded to Aboyne, not only did he still persuade the King of his constancy, courage, and warlike purposes, but actually made a demand for more troops, at a crisis when they could be least spared from the royal army. This is proved by a letter, dated from the camp, near Berwick, 2d June 1639, in which his Majesty says to Hamilton,—"every one that I dare consult with about this, protesteth against the diminishing of one man from my army; besides, I have no mind to stay here upon a mere defensive, which I must do if I send you that strength you mention,"—and after referring to assurance he had obtained of certain Scots nobles returning to loyalty, he adds,—but clearly in a strain whose spirit and expressions were derived from Hamilton himself,—"wherefore now I set you loose, to do what mischief

you can do upon the rebels, for my service, with those men you have, for you cannot have one man from hence." The story which Bishop Burnet relates, as the immediate consequence of the above letter from the King, if it be a fact, places Hamilton in the most ridiculous and contemptible point of view. "The Marquis," says Burnet, "no sooner got this, but he presently *set to work*, resolving neither to spare Burroughstowness, which was his own town, nor Prestonpans, which was his cousin's. But a *strange accident* befel him the next day, for as he went out in a small vessel, with a drake on her, and sixty soldiers, to view the Queensferry, and burn the ships that lay in the harbour, he saw a merchant-barque coming down towards him, and he *caused row up to her*; but she, perceiving her danger, run herself aground upon the sands of Barnbougle; the tide falling apace, and he following her indeliberately, run himself likewise on ground, where he was like to have been very quickly taken by the men on the shore, who were playing upon him, and some vollies passed upon both hands. But they on the land were waiting till the water should fall, reckoning him their prey already, which had been inevitable, had not the seamen got out, and, being almost to the middle in water, with great tugging set them afloat, and so *he returned safe to the fleet*; and this was all the ground for that calumny of his making appointments on the sands of Barnbougle with the Covenanters." *

* Bishop Guthrie, at least as good an authority as Bishop Burnet, tells the story thus,—"Mr William Cunningham of Brownhill was sent aboard to him (Hamilton;) and after his return the next night, the Marquis came ashore by boat to the links of Barnbougall at midnight, where my Lord Loudon met him, and had two hours conference with him; and afterwards his Lordship returned to his ships, and Loudon to those that sent him."

Here Burnet would persuade us, by a most improbable story, which no one contemporary chronicler records, and totally unsupported by proof, that this mighty admiral, who had planned the present invasion of Scotland by sea and land, now, at the eleventh hour, heartily "set to work" for its destruction, and was on such terms with the Covenanters, that while he was sneaking after their ships at Queensferry, they were ready to effect his destruction, or make "him their prey," if they could only have pounced upon him sticking in the sands of Barnbougle. Clarendon, however, speaks of "the Marquis of Hamilton's *neighbourly residence*, with his fleet and foot-soldiers before Leith, without any show of hostility, or any care taken to draw his friends and followers together for the King's service;" and we find an original document, in the Napier charter-chest, which affords a curious confirmation of this estimate of the Marquis's zeal in the cause of his master.

While Montrose was overrunning the north with the arms of the Covenant, his friend Lord Napier, admitted to its public but not its *secret* councils, appears to have been anxious to bring matters to an amicable conclusion with the King. It suited, on the other hand, the ultimate designs of the movement party, that peaceful overtures should be now tendered to Hamilton, to be laid before Charles; and they were politic in selecting, as their principal organ on the occasion to which we refer, a nobleman who had long been characterized as one "free of partiality or any factious humour." * Precisely *five*

* See before, p. 39. It appears from one of "Jean de Maria's" Letters (see before, p. 158,) dated 16th April 1638, that the faction had endeavoured, but unsuccessfully, to obtain Lord Napier as their organ for presenting their first unconstitutional and tyrannical supplication against the bishops:—"My Lord Napier was the man designed for the present-

days before that on which, according to Burnet's story, Hamilton had nearly been "made their prey," he was, nevertheless, upon the "neighbourly" footing and understanding, with the covenanting faction, which the following instructions indicate.

Instructions for the Lord Naper and Lord of Durie. ult. Maij 1639.

"Please your Lordships, go aboard the Admiral of the King's Majesty's fleet, lying in the Road of Leith, to the Noble Lord, the Marquis of Hamilton, his Majesty's Commissioner, his Grace, and represent unto his Grace the particulars following:

"1. That we humbly desire his Grace to go in person to Berwick, to the King's Majesty, to mediate some accommodation, and prevention of these evils likely to ensue upon these unkindly wars, which being once begun, (as they are too far advanced,) will not so soon be quieted.

"2. To remonstrate, that it is most proper to his Grace to mediate in this matter, both as a *prime prince in this land,* who should be *sensible of the dangers threatened to his native country,* and as one who, in the managing all the business, hath heretofore represented his Majesty by commission, with warrant to settle the disorders.

ing thereof, who, finding the same too hot, as we understand, for his fingers, and none else willing to undergo that charge, they changed their copy, and contented themselves to present their condolences to the Triumviri, I mean these three grandees of our nation, who are thought to have the principal rule of his Majesty's cares, who, without offence be it spoken, are supposed, by many and good subjects, to tender more the safety of their friends, followers, and favourites in this kingdom, than they do their master's honour," &c. *Hamilton*, Argyle, and Traquair are here alluded to.

"3. That his Grace would go in person to the King's Majesty, and attend the event of this treaty, because our condition may not admit that delay of answer, or conclusion, which this distance of his Grace from his Majesty will produce in the frequent consultations may occur.

"4. That his Grace would be pleased to solicit that this treaty were expede with all convenient expedience, and that during this treaty, all acts of hostility may be discharged both by sea and land, which already hath been too frequent, and that free passage may be permitted at sea in the meantime.

"5. That his Majesty would be gratiously pleased to appoint his Grace, with such others as his Majesty shall nominate, to meet at any fitting place with our nobility as shall be sent by us for treating upon the means of accommodation, with such haste as our estate requireth." (Signed) "Balmerino, Forrester, Scottstarvitt, Tho. Nicholsone, A. Hamilton, Robert Drummond, A. Gibsone Durie, Wm. Dick, preist [provost] of Edinburgh, Richard Maxwell for Edinburgh, T. Durhame, Da. Cunynghame."*

Thus it is very manifest that, notwithstanding the pretence which at this very time Hamilton was still keeping up, for the purpose of deceiving his Sovereign, —namely, that his inclinations and plans were of the most hostile and warlike nature against Scotland,—and notwithstanding the tales of his eulogist Burnet, by which he would insinuate that Hamilton now sought the destruction of the Scotch faction, while they were most anxious to make him their prey, the Covenanters knew better, and considered and addressed the Admiral

* Original. Napier charter-chest.

of that neighbourly fleet, not as their enemy, but as their best friend and mediator with the King. The document we have quoted, when contrasted with Hamilton's correspondence with the King, as found in the Hardwicke collection, and in Burnet's Memoirs of his house, is sufficient of itself to prove that the favourite was acting not merely a vacillating, but a deceptive and traitorous part. Indeed when we attend, chronologically, to the events crowded within the space of about six months, and which were decisive of the fate of the King, it is impossible to doubt that he was betrayed by his evil genius Hamilton.

In his letter to Charles, dated 27th November 1638, Hamilton speaks of Scotland as a rebellious nation, a miserable country, a people having other thoughts than religion, which they used as a cloak to rebellion. Then he lays down the plan of a most effective invasion, to reduce this people to dutiful obedience, to irritate them, to make them miserable, and he suggests the Marquis of Huntly to be his Majesty's lieutenant in the north. Charles puts himself entirely into the hands of the favourite, Huntly is appointed, the invasion proceeds, and, by the first of May, Hamilton anchors in the Firth, and the King is with the army on his way to Berwick. But, at the same instant, Huntly is taken prisoner—a mortal blow to the royal cause, and one which Hamilton assuredly could have prevented. Hamilton withholds all succours from Aboyne, though that young nobleman went in person to obtain them, and manifestly ought to have been supported with a vigour and activity in proportion to the loss sustained by the captivity of his father. Between the 8th and the 29th of May, Charles writes various letters to Hamilton, evincing the utmost desire that Aboyne should obtain the aid he demanded,

and that the loyalists should be vigorously supported in the north. Upon the 17th of May, the King writes from Newcastle to Hamilton, showing himself inclined to a treaty, but stating, at the same time, that if the rebels "march down to meet me with a great strength, in that case you are to fall on them immediately, and, in my opinion, as far up in the Firth as you think probably may do good, thereby to make a diversion." The rebels marched to the borders, as his Majesty had anticipated, but Hamilton stirred not, except upon the memorable occasion when (if Burnet is to be believed) the Admiral in person was nearly captured while struggling, like a stranded whale, in the sands. Yet, on the 8th of May, Charles himself had transmitted to Hamilton a paper containing the most accurate and minute statistical details,* with a plan of operations which, if adopted, would have wrested the north, and the destiny of the King, out of the hands of the Covenanters. Upon the 29th of May, Hamilton writes earnestly to the King, that since "the rebels" had obeyed the royal proclamation not to approach within ten miles of the leaguer, and his Majesty being thereby secure, which, he says, was the sole object of *treating*, therefore, "I conceive it will now be time to speak *other language* than hitherto hath been done, and they to be enjoined a *total obedience* to your just commands." Hamilton adds a declaration of his extreme unwillingness "to be employed in treaty with this people," and his "averseness of further treaty." † This letter is not to be found

* The paper of instructions drawn up by Mr Thomas Hamilton, and printed by Burnet in the Memoirs of Hamilton, p. 128. It was the very plan by means of which "the stork, Cromwell," afterwards made himself master of Scotland.

† Franklin, 777.

in Burnet, who says, however, that "on the 29th May the Lord Aboyne came to Hamilton with the following letter from the King"—the very letter, namely, entreating him to "uphold my party in the north," which Hamilton was determined not to do. Two days afterwards (the last day of May) is the date of the paper of instructions to Lord Napier which we have quoted above. On the 2d of June Charles writes (in a strain obviously called forth by Hamilton's own correspondence)—"Wherefore now I let you loose to do what mischief you can upon the rebels for my service." On the 4th of June, only two days afterwards, Henry Vane writes to Hamilton—"His Majesty doth *now clearly see*, and is fully satisfied in his own judgment, that what passed in the gallery betwixt his Majesty, your Lordship, and myself, hath been but too much verified on this occasion; and, therefore, his Majesty would not have you to begin with them, but to settle things with you in a safe and good posture, and *yourself to come hither in person*, to consult what counsels are fit to be taken, as the affairs now hold." Deaf as the favourite had been to warlike instructions, though arising out of his own policy and suggestions, he instantly obeyed this summons, which it is not at all improbable had been also suggested by himself to Vane. But let us hear his apologist. "How great the Marquis his *surprise and trouble* was, when he received this, cannot be easily expressed, though it was but what he *always looked for*; and before the King left Whitehall, he told him in the gallery, none but Sir Henry Vane being present, that few of the English would engage in an offensive war with Scotland. However, he was *too well taught in obedience* to question or delay it after such positive orders, and, *therefore*, could neither give a satisfactory

answer to the Earl of Airly,—who at that time wrote to him, pressing him to come to the north in all haste, otherwise the King's party there would be presently overrun,—nor to my Lord Aboyne's letter, who desired fresh supplies of men and monies, though the refusing of both of these was after that alleged against him.* Yet the last, being dated the 4th of June, met him on his way to the King, and the other could be no sooner at him, being of the 26th of May, and in the postscript excuse is made that it was of an old date for want of a sure bearer; both these are yet extant. But most of all it appears how groundless that great and crying accusation was, (which, as it made up no small part of his charge to be mentioned in its proper place, so was it in the mouths of every person,) that he betrayed his Majesty's service in the Frith."

Mr Hallam, in his constitutional History of England, observes, that "the pacification, as it was termed, of

* Thus Burnet would insinuate that the Marquis, against his own warlike inclinations, was forced to forego all co-operation with the loyalists in the north, and betake himself unwillingly to a treaty at the King's command! But the Bishop does not venture to print these letters from Airly and Aboyne. The whole affair appears to have been a juggle between Hamilton and Vane, who were playing into the hands of the Covenanters. Sir Philip Warwick, referring to the treaty of Berwick, thus speaks of Vane:—"And for all this, Sir Henry Vane, the interloping secretary, was a most proper instrument, for through his hands all the trifling intelligence which Hamilton had given to amuse the King, both of his own and the Scots proceedings, had passed, and those answers which the King wrote not with his own hand passed Vane's, who, God knows, was an ordinary penman, but his letters still had some mark of the King's, that in the future they might not be disowned. For all which, thanks were given to Hamilton for these services, by which he had brought the King into a seeming necessity of this pacification," p. 146. The letter from Vane to Hamilton, requiring the latter to come to the treaty at Berwick, as printed in Franklin, has no postscript. Burnet prints it with a short postscript from Charles, acknowledging and approving the contents.

Berwick, in the summer of 1639, has been represented by several historians as a measure equally ruinous and unaccountable. That it was ruinous, that is, that it formed one link in the chain that dragged the King to destruction, is most evident; but it was both inevitable and easy of explanation." And one reason of its necessity offered by this able writer is, that "the Scots were enthusiastic, nearly unanimous, and entire masters of their country." The value of covenanting enthusiasm and unanimity, as a national characteristic, and principle of action, we have already had occasion to consider. That the *Covenanting faction* were now entire masters of their country, and that, again to use the words of Mr Hallam,—"the terms of Charles's treaty with his revolted subjects were unsatisfactory and indefinite, enormous in concession, and yet affording a pretext for new encroachments," are fatal truths, involving a nation's misery and disgrace, for which Hamilton is deeply responsible, who at this time so meanly betrayed his too confiding master. And now the crisis was at hand, when Montrose, awakening to a sense of the monarchy in danger, and becoming gradually confirmed in the conviction that Charles was betrayed by those he trusted, paused in the delusive excitement of covenanting patriotism, while his heart yearned to tell his Sovereign of "the serpent in his bosom." Meanwhile we must follow Montrose through his last covenanting triumph in the north.

It was upon Friday the 14th of June 1639, that Aboyne, despairing of the promised assistance from Hamilton, and not in the secret of the transactions we have noticed, commenced his march from Aberdeen towards Angus. His hope was, with the aid of the gallant Ogilvies, at least to create such a diver-

sion as would draw off no inconsiderable portion of the Covenanting army opposed to the King on the Borders. The three vessels which composed the fleet of Aboyne were ordered to sail along the coast, and attend the motions of the loyalists. The brass field-pieces, and most of the ammunition that had been obtained from Hamilton, were sent on board these vessels by Colonel Gun. The pretext was the difficulty of carriage; the result was, that the wind shifted, the vessels turned seawards, "nor did they ever see them again to this hour, so that cannon, and ammunition, and the three ships, all vanished together."* Scarcely was the march commenced, when the intelligence reached them that Montrose had again collected his forces, and was already arrived at Stonehaven on his way to meet them. Aboyne accordingly encamped that night at Muchalls, the place of Sir Thomas Burnet of Leys, and sent on a party of horse within little more than a mile of the enemy's quarter, to watch the motions of Montrose, who, along with Marischal, was strongly entrenched before Dunotter, with about eight hundred foot and horse, two brass demi-cannon, and some field-pieces, brought out of Marischal's stronghold, the gates of which were open to receive them on a retreat. Montrose and his party kept themselves closely and quietly within their works at Stonehaven all night, without attempting to molest Aboyne's cavalry, which returned to the main body before sunrise. Early on the morning of Saturday, the loyalists marched forward in the direction of the church of Fetteresso, till within a mile of Stonehaven, when Colonel Gun, into whose hands Aboyne had placed the command of his army, gave orders to turn off the high road, to the left hand, upon a heath or moor, where

* James Gordon's MS.

he drew them up in battle array. The van, commanded by Sir John Gordon of Haddo, was composed of a volunteer corps of a hundred gentlemen, cuirassiers, "who for their colours carried a handkerchief upon a lance;" next came a regiment of musketeers, citizens of Aberdeen, about four hundred strong; in the rear were the Highlanders, and the cavalry were disposed on the flanks. Montrose, aware that Stonehaven was not tenable, had made arrangements to retreat into the stronghold of Dunotter; but, it is said, in order to gain time to reinforce his troops, he now sent to Aboyne "a letter by way of *complimenting* challenge," which had the effect of drawing that young nobleman still nearer to Stonehaven, upon a rising ground called the Meagre-hill, where his troops were again drawn up in order of battle, but completely exposed to the fire of Montrose's artillery. "Whether," adds James Gordon, "such a letter were ever sent or not, I could never learn, only this much I am sure of, that Aboyne, when his party had got order to march towards Stonehaven, came himself, and told that Montrose had sent them a letter, which he told very cheerfully, and desired all to take courage." The intention of Aboyne was to march directly to the relief of the King, without turning aside to engage Montrose and Marischal, but he was overruled by his military master, upon whom the following severe remarks occur in the manuscript of Patrick Gordon of Cluny.*

"But Gun, who was now begun to play his pranks, finds this course (of marching southwards) too safe and fair for a good success, and resolves most basely rather to lose the estimation of a good leader than to put it

* See before, p. 257.

in practice. And this did not a little confirm the jealousy of the wiser sort, that he had been schooled before he came there; for when he came near Stonehaven, he leaves the way he should have marched, and most idly, ignorantly, or rather, in plain terms, treacherously, (for he never could give a reason for it but that he did it to *harden them to be cannon-proof,)* he draws them all up in battle, upon the side of a little hill that looks towards the town, from whence he was not able to do them the least harm in the world without great ordnance, but was sure to receive it; for he exposed them all, both horse and foot, to the mercy of the cannon, so that if they (Montrose and Marischal) had been well-stored of good cannon, they had broken and defeated them all, with the devouring fury of the cannon only, without the force of men or arms. But it was their good fortune, as God would have it, the enemy had but two *cartowes*, and, through want of skill in their cannoneer, some balls went over them a great way, some fell short, and but one lighted amongst them, whereby some were hurt, and some slain, but not many. When he had given the enemy this advantage, and the day was near spent to no other purpose, the Highlanders, of whom there was more than a thousand, seeing the leader expose them wittingly and willingly to the danger, and that in such a posture as their own valour and courage served them to no use, without possibility to revenge the injuries of their enemies, but there must they stand as sheep brought forth to the slaughter, or as a mark to shoot at, they began first to mutiny and desire liberty to depart. This motion pleased him (Gun) well, being only that he sought for, to have those forces weakened, being ashamed to have the charge of an army from which great matters might be hoped for, since he in-

tended nothing less than the advancement of the King's cause. Whereupon this discontentment of the Highlanders, he takes occasion to persuade my Lord of Aboyne to dissolve all the foot, and with a camp volant of horsemen he promises to do great matters, and for that end advises him to return to Aberdeen. The young and inexperienced nobleman believes him yet to be so real, that without the advice of the council of war, he licensed all the foot to depart home, and with the horse returns to Aberdeen. And now Gun, having acted the first essay of his treachery, he could not hope but that the enemy, seeing so fair an advantage offered, would be sure to take the occasion, as indeed they did."

The account in James Gordon's manuscript is substantially the same, though it varies in some particulars. He says, that after a little skirmishing, in which Aboyne's cavalry were driven back, Montrose sent a few cannon bullets among Aboyne's brigades, which so alarmed the Highlanders that they wheeled about and fled in confusion, nor ever looked behind them, (although Aboyne himself made every exertion to rally the fugitives) until they reached a morass about half a mile distant.* This

* The Highlanders, it seems, were totally unprepared for the extraordinary effect of a "dear Sandy's stoup." They had another name for it, no less expressive, as we learn from Baillie; who thus shortly notices the above events, in his correspondence with Spang. "So soon as Montrose had turned homewards to the Mearns, at once Aboyne and Banff, with Colonel Gun, and some other officers, gathered great forces. Aberdeen joined heartily to the party. They spoiled Marischal's lands, and all our friends there. They had devoured Dundee and all Angus in the throat of their hope. But at once Montrose and Marischal, *most valorous and happy noblemen*, gave them some other matter to do, though much inferior in number. They came to seek them (Montrose and Marischal.) Some great ordnance we had which moved our party to hold off, when they were coming on hoping to have clean defeat us; for their Highlanders avowed they could not abide *the musket's mother*, and so fled in troops at the first volley."

example, and the indignation felt by the troops at the manner in which they were exposed by Gun, caused the whole of the royal infantry to mutiny and march back to Aberdeen. But a party of horse remained firm, (though played upon by Montrose's two formidable cannon), and masked the retreat, so that Montrose was not aware of the falling away of the forces opposed to him. In the meanwhile Aboyne dispatched two of his officers to Aberdeen, who ordered drums to be beat through the town, summoning these deserters instantly to return to their standard under the pains of treason. No sooner, however, was this proclamation issued, than Aboyne himself entered the town, on Saturday night, having been left with scarcely troops sufficient to guard his person. On the morning of the 15th of June, the royal lieutenant was at the head of four thousand foot and horse, " as gallant and resolute and well-appointed men," says James Gordon, " as were to be found in Scotland ;" and this in the face of an enemy not above eight hundred strong. On the morning of the 16th, he was back in Aberdeen with no more than six hundred horse; composed of the gallant Gordons, who still rallied round him, intreating him, however, as he valued the royal cause, to have nothing more to do with *traitor Gun*. No one seems to have imputed this disaster, (which acquired the name of the ***Raid of Stonehaven***,) to the misconduct of Aboyne, but such was the disgust at his military adviser, that the royal standard could not now command a single foot regiment. Yet, neither could the young Viscount be persuaded that the distinguished veteran whom the Marquis of Hamilton had desired him to rely upon, and who, like his patron, was full of stories of the immortal Gustavus, intended treachery, or deserved to be ignominiously dismissed sa Aboyne was entreated to do.

Montrose, with the prompt energy to which he owed his future successes, instantly determined to march once more upon Aberdeen, and when within six miles of that devoted town, an advanced party of his cavalry encountered an equal number of the Gordons, whom Aboyne had dispatched to watch the motions of the Covenanters. Being only seven on each side, there was something knightly and romantic in this encounter, in which the Gordons were victors, for after several wounds given and received, Montrose's seven horsemen were defeated, and the laird of Powrie Fotheringhame made prisoner by Gordon of Fechill, and Ogilvy of Powrie, younger, wounded and taken by Nathaniel Gordon, best and bravest of loyalists, the future companion, and fellow martyr, of Montrose. Aboyne's party was led upon this occasion by the gallant Colonel Johnston, who was most anxious to have returned to the charge with the whole chivalry of the Gordons, which he promised would utterly rout the combined forces of Montrose and Marischal. The result of his spirited councils, and of his obstinate defence of the bridge of Dee, all rendered abortive by traitor Gun, we cannot do better than present to our readers in the precise words of the manuscript accounts left by Patrick and James Gordon.

"Then arose," says Patrick Gordon, "a new occasion of jealousy towards Gun; for my Lord (Aboyne) had commanded Johnston to take some horsemen with him, and go forth to view the enemy, which he did very exactly, and, when he returned, assures my Lord that if he would give him out an hundred horse, and fifty commanded musketeers, he was sure to give them such a *commissado* as should bring them all to confusion, and if he were well seconded with the rest of the horsemen,

it might haply gain them an entire victory; yea, if the worst should come, which could not come except the heavenly providence had decreed it, he was sure by God's grace to make a safe retreat,—for at that time they lay at the Cassie-munth, careless and at random,—that they could never have a fitter and fairer occasion. And truly this was not be imputed to their leader Montrose, who was both valiant and vigilant, and ever in action, and had given out his orders very carefully; but they, for the most part, having never had experience of martial stratagems, and the under-officers being assured that Aboyne's forces were dissolved, kept neither watch nor ward according to their orders. The Viscount was very willing to satisfy Johnston according to his demands, yet would not seem to slight Gun so much as not to have his approbation to it. Wherefore, he went himself to his lodging, whom he found already in bed, as one that little cared how the business went, to whom he imparted Johnston's offer, but found him so averse from any such enterprize, that he avowed, if they would not be ruled by him, nor follow his advices, he would quit his charge, and return to his Majesty, leaving them to bear their own burden and blame. This young and hopeful Viscount, being yet under twenty, and this being the harvest or first fruits whereby he was to give a proof of his love and loyalty to his Majesty's service, would not directly oppose a man of such known experience, to the no small grief of many that were there."

We shall now follow the manuscript of James Gordon, which is fuller than Cluny's in the account of Montrose's forcing the passage of the Dee.

"The party that went out upon Monday at night, brought back word to Aberdeen, that Montrose was

marching close at their heels. Whereupon, a little before sun rising, June 18th, drums beat, trumpets sound to horse, and the Aberdeensmen were commanded to arm. Such Strathbogy foot, as had not disbanded with the rest, were ordered to march instantly towards the bridge of Dee, two miles distant southwest from Aberdeen, to make good the pass of the bridge till the rest should come up. These failed not to do as they were commanded, casting turfs and earth, as much as the shortness of the time would permit, behind the gate of the bridge which stands upon the south end thereof. This was to some purpose, for Aboyne had not numbers to fight Montrose, and besides that, the rains had swelled the river Dee so that it could not be crossed by horses. Immediately after followed such horsemen as Aboyne had, who came upon the spur to the bridge of Dee, but they were no sooner come there than they could espy Montrose's forces upon the high ground beyond the bridge, at a quarter mile of distance; who seeing Aboyne's party possessed of the bridge, made a stand, and fired their two pieces of half cannon upon Aboyne's cavalry, which fell short of the foremost rank. They had got close to the bridge, out of curiosity to get a fuller sight of the enemy, therefore they were commanded to retire to safer ground. Their retreat gave the enemy a fuller view of them, who thereupon discharged at them about sixteen shot of field-pieces, besides their two half cannon, but without any hurt done. By this time the Aberdeen companies, about four colours, were come up to the bridge, and the horsemen drew under cover. Before ever they could approach, Montrose caused discharge some cannon shot amongst them, but without effect, and how soon their commanded party took up

their post upon the long bridge of seven arches, the Covenanters began to discharge their battering pieces against the ravelins of the bridge, and to fall on with parties of commanded musketeers. The Aberdeensmen stood to it gallantly, and all that day continued giving fire, Johnston, their townsman, still assisting and encouraging them, nor lost they any man that day, save one John Forbes, a burgess of Aberdeen. And now their women and servants were become so courageous, that after two or three hours service they, misregarding cannon and musket shot, went and came to the bridge with provisions and necessaries for their friends and relations who were upon service. In the afternoon, the companies of Dundee, emulous of the Aberdeen citizens, desired to be letten (allowed to) storm the bridge, which Montrose readily yielded to. Two companies fell on under the command of one Captain Bonar, but they found so hot a welcome from the Aberdeensmen that they made a quick retreat, which was seconded with whooping and hollowing of such as were looking on, who mocked their poor bravado. The service continued till the night came, both sides being weary rather than it falling dark, for there is no sky-set then in the north of Scotland. So both sides intermitted till the morning of the next day, June 19th, and there in the forenoon they began afresh. Montrose, who thought such a delay little better than to be beaten, caused draw his two half cannon within nearer distance to the bridge in the night time, and by help of the coming day light, did cause level them against the port of the bridge of Dee, both to break the gates of the port, and scour the bridge all along; for the day before, most of the cannon shot were made against one of the corners of the port, which looked to the south-west, whereby one of the

small watch turrets upon the sides of the port, was much shattered in the top of it, being all hewn stone, as all that bridge is, one of the gallantest in Scotland, if not the stateliest itself.

"But the defendants could not thus be driven to leave it, albeit the cannon shot had broken the gates of the port, and scoured the way of the bridge all along. Aboyne's horsemen likewise drew near to second the foot, which Montrose espying, made a feint with a part of his horsemen, causing them ride upwards along the side of the river, as if they meant to have crossed it near Banchory. Colonel Gun, who could espy no occasion before to draw off the horsemen, cries, 'march up the river's side, and stop Montrose's crossing.' It was told him there was no danger, the fords having been lately tried and found impassable. But no assurance could serve his turn who would not believe that which he knew to be true. Therefore, forwards up the river he goes, and now his horsemen being in full view of the enemy's cannon, and a near distance, the Covenanters began again to let fly some shot at them. It was with one of these that a gallant gentleman, John Seton of Pitmedden, was shot dead, most part of his body above the saddle being carried away and quashed. This following upon Gun's wilful retreat, discouraged the cavalry a little, who began to speak out that Colonel Gun was betraying them. This misfortune was followed by another. Montrose's party grew still more and more impatient. Lieutenant-Colonel John Middleton, afterwards better known, cried out that their cannon would make them all arrant poltroons, since all their confidence was in their cannon-shot at a distance. Yet nobody durst set on, being somewhat discouraged by the slaughter of one Captain Andrew Ramsay, brother

to the Laird of Balmain, a gentleman of Montrose's party, whom one John Gordon of Inch-stomack, a Strathbogie man, had killed the day before with a marked shot, out of indignation that they had killed John Forbes, a burgess of Aberdeen. For this cause, Middleton resolved to storm himself; but, whilst he was making ready, a part of one of the turrets of the bridge, hard by the port, being struck down by a cannon shot, overthrew Johnston, who stood all the while where the greatest danger was, and being half buried in the ruins, it so quashed one of his legs to pieces, that he could no longer stand. Johnston was instantly carried off; but his departure discouraged the defendants so that shortly after, and before the enemy pursued, their Captain being lost, and the horse retired they could not tell whither, they forsook the bridge of their own accord, and left it empty, every one taking a sundry way.

"The news of Johnston's hurt being brought to Colonel Gun, who was but ridden up the river side a little, his next order that he gave was this—'Gentlemen,' says he, 'make you for the town, Lieutenant-Colonel Johnston is killed, and the bridge is won;' but his words got slender obedience. Therefore Aboyne, and the rest with him, rode off for Strathbogie, leaving Aberdeen to shift for itself. Whilst they were thinking of a retreat, William Gordon of Arradoule, a resolute gentleman, desired Colonel Gun to stand and wait upon the Covenanters' fore-party crossing the bridge, and showed that as yet they had the advantage. He told him it was not the fashion of Huntly's family to leave the field without fighting the enemy; but there was no hearing, for it was Gun's fashion always to cry out that, if they would not obey his orders, he would lay down his charge and complain to the King. This re-

fusal of his to charge was so ill taken, that the company began to tell Aboyne that Gun had betrayed him, and Arradoul, in a great chafe, told him to his face that he was a villain, and an arrant traitor, all which Colonel Gun swallowed quietly. Half-an-hour after the foot had left the bridge, the Covenanters' fore-party entered the port, and marched alongst it, keeping their journey towards Aberdeen, for it was late in the afternoon, without offering to pursue any of Aboyne's party, who had got time to retire." *

Thus was Aberdeen once more in the power of the yet covenanting Montrose. In the next chapter we will have occasion to advert to an assertion of Robert Baillie's, that Montrose, because he had not been appointed in place of Leslie to the command of the covenanting army at the borders, was doing his utmost at this very time to ruin the Covenanters, and would actually have placed the whole of the north in the hands of the King, upon the present occasion, had he not been prevented by the "honesty and courage" of Marischal. Such was Baillie's theory of Montrose's motives and actions, when the spleen of the reverend partisan had been stirred by the subsequent career of our hero. Yet, at the time, Baillie expresses the highest admiration of Montrose, and condemns nothing but his lenity—"At once Montrose and Marischal, *most valorous and happy noblemen*, gave them some other matter to do." "Montrose and Marischal, knowing the danger, not only to their country, but the whole cause, if they should either retire or stand, resolved to go and fight." "At last, with some slaughter on both sides, we won the

* James Gordon's MS. Patrick Gordon's manuscript is equally severe upon Colonel Gun.

bridge;—we put our enemy to rout—goes forward that same night to Aberdeen, lodges without in the fields, being resolved to-morrow *to have sacked it orderly*, that hereafter that town *should have done our nation no more cumber*." But this thirsting for the utter destruction of Aberdeen had no place in the mind of Montrose. It was the natural impulse of an excited and desultory army, and the unnatural, though characteristic longing of a clergyman of the Covenant. "But," he adds, inconsistently and wildly, "as it *pleased God to keep us* from all marks of the least alleged cruelty from the first taking up of our arms, so there the preventing mercies of God did kythe* in a special manner; for that same night, by sea, the King's letters of pacification were brought to the town, which to-morrow early, being presented to our nobles, made them glad they had got *that blessed cord to bind up their soldiers' hands from doing of mischief*, whereto that wicked town's *just deservings* had made them very bent; for all *our sparing*, yet that country's malicious disloyalty seems not to be remeided."†

If the "sweet, meek, humble spirit" of Baillie had commanded this army, instead of Montrose, what would have been the fate of Aberdeen and the north? It was the generous disposition of a nobleman upon whom covenanting writers, even in our own times, heap every epithet applicable to a blood-thirsty disposition, that now again saved the north, not, indeed, from all the misery and excesses of such intestine commotions, but from the deliberate devastation which, sanctioned by express commission from the Tables, and hallowed by the ardent desire of the covenanting clergy, he was now

* *i. e.* was manifested.

† Baillie's letter to Spang, dated September 28, 1639.

expected to perpetrate. From Baillie's own excited record it is not difficult to gather thus much. But in the manuscript of James Gordon we find the facts more explicitly stated.

"The Earl Marischal, and Lord Muchalls, (Burnet of Leys) pressed Montrose to burn the town, and urged him with the *Committee's warrant* for that effect. He answered, that it was best to advise a night upon it, since Aberdeen was the London of the north, and the want of it would prejudice themselves. It was taken to consideration for that night, and next day the Earl Marischal and Lord Muchalls came protesting he would spare it. He answered he was desirous so to do, but durst not, except they would be his warrant. Whereupon they drew up a paper, signed with both their hands, declaring that they had hindered it, and promising to interpose with the Committee of Estates for him. Yet the next year, when he was made prisoner and accused, this was objected to Montrose, *that he had not burned Aberdeen, as he had orders from the Committee of Estates.* Then he produced Marischal and Muchalls' paper, which hardly satisfied the exasperated Committee."

Bishop Guthrie records that Montrose disbanded his forces in Angus, and retired to his own house, expecting that Leslie and his council would have sent for him to come and take command of his regiment, and that, as they neglected to do so, he remained at Old Montrose until the return of the army. This account, however, appears to be inaccurate, for, as Baillie himself was with the covenanting army, it may be presumed that he could not be mistaken in what he writes to Spang upon the occasion, namely, that "Montrose and Marischal did post to Dunse to have their part of the joy, *as well*

they did deserve, in the common peace, where they were made most welcome both to their comrades and to their King."*

* Aboyne took ship to Berwick on the 26th of June, but had nearly been killed by the "rascal multitude," in his coach in Edinburgh. *James Gordon's MS.* The particulars are thus given by Baillie in his letter to Spang, September 28, 1639: "The people of Edinburgh, being provoked by the insolent and triumphant behaviour of that unhappy spark, Aboyne, who yet *reeking from our blood in the north*, would *rattle in his open coach through their causey*, made an onset upon him, and well near had done him violence." So Baillie, who condemned Montrose for not having given up Aberdeen to fire and sword, speaks of the conquered Aboyne as one "reeking from *our blood* in the north," and justifies the attempt upon his life by what he calls the *provocation* of Aboyne's travelling in his own carriage through the streets of Edinburgh, *ten days after the pacification had been signed at Berwick!* This was the time when the treasurer, Traquair, was also nearly murdered. This breach of the pacification appears to have been the result of some plan, "that in a private way some course may be taken for their terror and disgrace, if they offer to show themselves publicly."—*Letter to Wariston.*

Gun went to Berwick at the same time as Aboyne, but we hear of no assault upon him. "But shortly afterwards Johnston coming to court, his leg being cured, accused him as a traitor, and challenged him to single combat. But Hamilton conveyed Gun away to Holland, who, the while that he staid at court, traduced Huntly's followers as boldly as they confidently accused him, so that hardly knew the King whom to believe amongst them."—*James Gordon's MS.*

CHAPTER IX.

HOW MONTROSE TURNED FROM THE COVENANTERS, AND TRIED TO SAVE THE KING.

THE incident to which historians have generally referred the departure of Montrose from the path of rebellion, is, as Malcolm Laing expresses it, "the returning favour of his Sovereign at Berwick,"—a vague and ill-informed assertion, that has been generally, though much too hastily, admitted. Let us consider the circumstances under which Montrose then met the King.

Had the revolt of Scotland ended with the treaty of Berwick, amply sufficient as the concessions upon that occasion were for the "Religion and Liberties" of Scotland, the real objects of the faction would yet have been unfulfilled. Their unchristian enmity against the Bishops, their irrational and sweeping projects against Episcopacy, were all unsatisfied. Besides, some of the leaders of this party appeared to be as far as ever from the wealth, power, and aristocratic distinctions, the desire of which was the main-spring of their democratic agitation. The *Movement*, therefore, must proceed, or the Covenant itself had failed to yield the fruits its inventors anticipated. It is an instructive fact, that their chronicler perceived, at the very outset, and before the Covenant was signed, that he was embarked with a party who could not stop short of rebellion and anarchy. "If God," he says, "be pleased to bring upon us the year of our *visitation*, the Devil could never have in-

vented so pregnant a means, and ruin this while, one and all, from the prince to the ploughman. For will the prince, at the clergy's desire, go on in violence to press their course, the mischiefs are present, horrible, in a clap,—will he relent, and give way to our supplications, the danger is not yet passed,—we wot not *where* to stand,—when the book of canons and service are burnt and away, when the high commission is down, when the articles of Perth are made free, when the Bishops' authority is hemmed in with never so many laws, this makes us not secure from their future danger. So, *whatever* the Prince grants, I fear *we press more than he can grant*, and when we are *fully* satisfied, it is likely England *will begin where we have left off*." In these sentences how accurately has Baillie epitomized the history of his party. The career of the Covenant was a succession of increasing demands, urged upon the principle, that the moment the pressure was removed, the recoil might be fatal to some of the faction; till at length the Covenanters considered it essential, not to the happiness and respectability of the country, but to their own existence and individual safety, that England should begin where they, however, did not leave off.

But Montrose, though hitherto he had aided the Movement with thoughtless ardour, was not, as we have elsewhere observed, one of *the faction*. He had been "brought in" as a great prize, but never amalgamated with the Rothes' clique, and when in highest favour with the "Prime Covenanters," was always considered by them apart from the initiated, and simply as a "noble and true-hearted cavalier,"—"that noble valiant youth,"—"that generous and noble youth," whose "discretion was but too great in sparing the enemies' houses." It was impossible that such a character, at-

tached so loosely to the faction, should not have been awakened into loyal feelings by the conduct of the Covenanters, after the King's concessions at the treaty of Berwick. Another of those disgraceful riots in which "the devout wives who at first put life in the cause," were so conspicuous, and which unquestionably were secretly instigated by the principal agents of the faction, again occurred in Edinburgh upon the 2d of July 1639, when the Lord Treasurer Traquair was so brutally assaulted. Bishop Guthrie declares that there were few who doubted that this breach of the pacification "had private allowance," but that Lord Loudon was dispatched on the 4th to the King at Berwick, to excuse it, and returned with an order from his Majesty requiring fourteen of the covenanting leaders to attend him at his court there, in order to arrange his progress to Scotland, where he meant to hold an Assembly and Parliament in person. Only three of the noblemen obeyed this summons, namely, Montrose, Rothes, and Lothian, and his Majesty was so disgusted by the insulting excuses sent by the rest, as to return to London on the 29th, and forego his intention of trusting himself in the hands of this faithless and unprincipled faction. *

Dr Cook, in his History of the Church, has adopted, without sufficient examination, the popular theory of Montrose's loyalty. Speaking of the occasion, when Montrose was one of the three noblemen who dared to

* Guthrie is confirmed in this statement by the King himself, who says, "one of the greatest discouragements we had from going thither was the refusal of such Lords, and others of that nation whom we sent for, to come to us to Berwick, by which disobedience they manifestly discovered their distrust of us; and it cannot be thought reasonable that we should trust our person with those that distrusted us, after so many arguments and assurances of our goodness towards them."—Declaration, 1640.

trust themselves with the King, he remarks, "but what renders this conference peculiarly memorable is the impression which was made upon Montrose; hitherto he had been zealous for the Covenant, but he now changed, and resolved to employ his talents for promoting the royal cause; the other two remained firm to their party." This, apparently, is recorded in no complimentary sense, and the contrast with his companions would seem to be unfavourable for Montrose, although there is no fact brought out inconsistent with his complete justification. If, however, by the *impression* alleged, no more is to be understood than some reaction in the generous mind of Montrose, occasioned by a gracious reception from the King, which he had never experienced before, or an explanation of the King's intentions with regard to Scotland, as to which Montrose had been deceived, his keenest eulogist might leave that accusation unrefuted. But that Montrose should have been suddenly gained over, and have "now changed," merely in consequence of some *contingency* that touched his avarice or ambition, (for it is certain that no immediate reward was held out, as when Rothes fell,) is, under all the circumstances, any thing but a probable theory. He appears indeed to have been proof against the mere prospect of admission to Court, or the first signal of his "Sovereign's returning favour," as we learn from Mr Archibald Johnston himself, from whom we accept the anecdote as he gives it. That distinguished Covenanter is strenuously endeavouring, in a long and characteristic epistle, dated 2d January 1639, a few months before this conference at Berwick, to seduce Lord Johnston, and persuade him not to go to Court; when he uses the argument,—"rather do nobly, as my Lord of Montrose has done, who having received a letter from

the King himself to go up with diligence to his Court, convened some of the nobility, shewed unto them both his particular affairs, and the King's command, and that according tohis covenant of following the common resolution, and eschewing all appearances of divisive motion, *nobly* has resolved to follow their counsel, and has gone home to his own house, and will not go to Court at all." It would, however, be a poor defence for Montrose to maintain that he was unmoved by the interview at Berwick with Charles, whose kingly presence and noble aspect were never so imposing as when he was beset by difficulties and danger. The monarch may indeed have particularly desired to reclaim Montrose. Struck by his stately and heroic bearing, contrasted with the irreverent levity of Rothes, and the repulsive democracy of Archibald Johnston, and, perhaps, favourably impressed by the humane forbearance which, contrary to the wish of the covenanting clergy, had characterized Montrose even in rebellion, it is not unlikely that Charles, in the words of his favourite poet, may have inwardly exclaimed at the sight of him,

> —— O, for a falconer's voice
> To lure this tassel-gentle back again!

and the accomplished King, who fascinated Presbyterianism itself,* had indeed a falconer's voice for such a "tassel-gentle." We believe, then, that Montrose

* Baillie, says, referring to this conference at Berwick, "the King was much delighted with Henderson's discourses, but *not so* with Johnston's; much and most free communing there was of the highest matters of state. It is likely his Majesty's ears had never been tickled with such discourses, yet he was *most patient* of them all, and loving of clear reason. His Majesty was ever, the longer the better, loved of all that heard him, as one of the most just, reasonable, sweet persons they ever had seen."

had felt his heart yearn towards Charles the First, that some scales had fallen from his eyes, and that he departed from that interview a wiser and a better man. But the popular *calumny* is certainly not history, and, indeed, we may distinctly trace its origin in circumstances that suggest a more adequate cause of Montrose's growing opposition to the covenanting faction.

The General Assembly of 1639 met early in August, the Earl of Traquair being Commissioner. All the extravagant and irrational accusations, confounding Episcopacy with Popery, were now boldly stated, and vehemently pressed. It is well known that, upon this occasion, the original demands of the Covenanters were far exceeded. The whole of King James's establishment of the Church of Scotland was overturned, and there was then forced upon the Commissioner and the Privy-Council an ordinance as to imposing the Covenant, which Dr Cook condemns as an act to be "abhorred," as "a deviation from the tolerant spirit of pure religion," as, "in fact, an engine of severe persecution." The Parliament which was to ratify these proceedings met on the 31st of the same month. At the very threshold of this Parliament the faction were met by a necessary result of their reckless violence. The exclusion and condemnation of the Bishops had expunged one of the estates of the kingdom, and the whole frame of parliament was by consequence dislocated. The clergy constituted one of those estates, a position of government which in all the previous revolutions controlling episcopal power had been saved and ratified. This blow to the existence of the Parliament itself was a sudden and remarkable crisis in the progress of *resistance to the liturgy*, and *supplications against the*

Bishops. Of necessity it impelled the Covenanters upon a new subject of agitation, the *structure of Parliament,* which they had to remodel on the instant. The Constitution had already broke down under their insane career, and they were constrained to patch it up for the occasion as they best might. To this predicament had the demands of the Movement, and the concessions of the half-alarmed, and half-outwitted Commissioner, brought the country and the King. The crisis was so abrupt and violent, that it could not fail to open the eyes of many. For, besides all this, a most determined attack was now made upon the prerogatives of the crown. The control of the Mint,—the command of the strongholds,—the dispensing of honours, offices of state, and jurisdictions,—the regulating precedency,—these were all demanded to be transferred, as privileges, to the Parliament. Here were *innovations* infinitely beyond any thing attempted by the King, and which must have convinced all who retained the power of calm reflection, that the design was to abrogate monarchy. Bishop Guthrie alludes to this state of matters when, in reference to this Parliament, he says,—"The leaders of the cause had further projects, and, instead of rising, proposed a number of new motions concerning the constitution of Parliaments, and other things never treated on before, whereanent the Commissioner told them he had no instructions. Montrose *argued somewhat against those motions,* for which the zealots became *suspicious* of him, that the King had turned him at his being with his Majesty at Berwick; yet they seemed to take little notice thereof, only the vulgar, whom they used to hound out, whispered in the streets to his prejudice, and the next morning he found affixed upon his chamber door a pa-

per with these words written in it, *invictus armis verbis vincitur.*"*

It is remarkable that temperate historians, such as Mr Laing and Dr Cook, should have recorded, as an undoubted historical fact, a mere vulgar clamour, prompted, indeed, by the faction, but generally appreciated even at the time according to its true value. Baillie, in a letter dated 12th October 1639, (the third month of the Parliament in question) speaks, even then, of Montrose's defection, not as having been certainly secured at Berwick, but as a rumour, and in prospect only. Nor does he name Montrose alone, but according to his peculiar vision of the matter, points to many others who were now beginning to waver in their headlong course. " Division," he says, " is much laboured for in all our estate. *They speak of* too great prevailing with our nobles. Hume *evidently fallen off*—Montrose *not unlikely to be ensnared* with the fair promises of advancement—Marischal, Sutherland, and others, *somewhat doubted*—Sheriff of Teviotdale, and some of the Barons, *inclining the Court way*—divisions betwixt the merchants and crafts of Edinburgh, and so, by consequence, of all the burghs of Scotland, carefully fostered by our Commissioner—our *prime clergy*, like

* " The invincible in arms is vanquished by words." This mode of conveying the calumny was a compliment to the valour and letters of Montrose, indicating the estimation in which he was held for both. Whoever affixed it to his door, *the vulgar* could not have conceived the mode of reproof. But the calumny only went abroad as a vague and vulgar rumour, and was never made a charge against him, except by modern historians. We shall afterwards have occasion to refer to the *original* manuscript deposition of Montrose himself, wherein he declares that he did not correspond with the King when his Majesty was *at Berwick*, but that he wrote one or two letters to him during the *ensuing Parliament*. This corroborates the view that it was the proceedings of that revolutionary convention, (against which Montrose *argued*) that first made him seriously alarmed for the Monarchy.

to *fall foul* upon the question of our new private meetings." We find, too, in the correspondence of this reverend partisan, another version of Montrose's defection, somewhat different from that of the Berwick seduction. In a letter, dated in 1645, to which we have elsewhere alluded, when most violently excited against Montrose, Baillie writes,—"Our present posture is this; when the *canniness* of Rothes had brought in Montrose to our party, his more than ordinary and evil pride made him *very hard to be guided;* his first voyage to Aberdeen made him swallow the certain hopes of a generalate over all our armies; when that honour was put upon Leslie, he incontinent began to deal with the King, and, when we were at Dunse-law, had given assurance, and was in a fair way of performance had not the honesty and courage of Marischal prevented it, to have given over the whole north to the enemy; when our voyage to Newcastle came in hand, by his *damnable band* he thought to have sold us to the enemy; thereafter he was ever on correspondence for our ruin." From such vague calumnies,—the prejudiced assumptions of the moment, by narrow and clouded minds judging characters they were incapable of appreciating,—a certain class of writers concoct pages of positive assertion against Montrose, and call it history. It may be seen, from the history we have already traced, how groundless is the assertion that jealousy of Leslie's appointment, to command the rebellious army of 1639, induced Montrose, at this time, to turn against the Covenanters. Baillie's theory in 1645 is totally at variance with the facts he himself records in 1639. Besides, Marischal, a youth of about three-and-twenty, was obviously swayed by Montrose, and we shall find that the very first signature to what Baillie calls Montrose's

"damnable band," is that of Marischal. Because Montrose, on the *eve of the pacification*, had resisted the entreaties of those around him, to obey the warrant of the Committee of Estates, and give up the town and country of Aberdeen to the devastation of fire and sword, this covenanting clergyman, some years afterwards, paints it as a piece of interested treachery, on the part of a commander too humane for the arms of the Covenant, and assumes that Montrose was in a fair way to have given over the whole north to *the enemy*. Then, in the nineteenth century, Mr Brodie, without expiscating the circumstances upon which Baillie's theory is founded, thus epitomizes it into a *historical fact*;—"Montrose, *who had been previously tampering*, was seduced at Berwick from his party and principles, and afterwards became the most furious enemy of the cause he had formerly been the most forward to espouse." *

At the time when Traquair obtained his commission under the Great Seal, to hold the Scotch Parliament in June 1640, another commission, under the quarter seal, was issued to Lord Elphinstone, Lord Napier, the Lord Justice-Clerk, and the Lord Advocate, by which any three of them were empowered to act in Traquair's absence, but upon *his order*. The Lord Advocate had been placed under confinement in his own house of Craighall, "upon pretence (says Burnet) of some petty malversation in his office, but really because of his adhering to the Covenanters too much." When this diet of Parliament arrived, however, as Scotland was in open rebellion, and Traquair had been nearly murdered on the streets of Edinburgh when last there, Charles did not choose to send down his commissioner to run

* Hist. of the Brit. Emp. ii. 507. The forcing the passage of the Dee was a novel mode of tampering.

such risks, but transmitted a command to the Justice-Clerk to take the Advocate along with him, and prorogate the Parliament in virtue of the sub-commission. Burnet says that the Lord Advocate "was glad both of being delivered from his disgrace, and for being honoured with the employment," and that when the Parliament met, he moved Lord Elphinstone, as first named in the commission, to go up with them to the throne and execute the King's command. That nobleman required to see Traquair's order. Hope urged the King's command as paramount, but Elphinston would not depart from the letter of his commission. The Advocate then turned to Lord Napier, who was much too precise and punctilious in all such matters to be guided by any thing but the express terms of the Royal Commission, and he, too, declined to act. Nevertheless the Covenanting Parliament determined to sit, and elected Lord Burleigh as their President.

The only nobleman who appears to have opposed with spirit and determination the assumed powers of this extraordinary Parliament was Montrose himself. Bishop Guthrie has told us that, in the democratical proceedings of 1639, Montrose first incurred the displeasure of the faction by *arguing* against their revolutionary propositions. What we are about to narrate corroborates that statement, and from a quarter that is not to be doubted. It will be manifest, when we come to record the history of Montrose's first conservative attempts to countermine the leading Covenanters, that in these Parliaments, and elsewhere, he had been startled and shocked by the treasonable manner in which the King's authority, or the *necessity of having a King at all*, began to be spoken of; and he had even gathered expressions, and rumours of expressions, from Argyle

and others, which, if proven, amounted to "high treason in the highest degree,"—expressions we here anticipate from an original manuscript of Montrose's own conversation on the subject. There is no record of the speeches that passed in these Parliaments, but, fortunately, we discover an original letter throwing more light upon the matter than has hitherto been obtained. When the noted Archibald Johnston was in London with the commissioners for the treaty of 1641, a report had reached him of a threatened impeachment of some of their number, and his conscience immediately informed him upon whom, and from whence, that impeachment was to come. In April of that year he wrote privately to the clique in Edinburgh, to be prepared with some prosecution or rather persecution of Montrose, whom he heard was the author of certain accusations of high treason, understood to be impending over the most conspicuous of their own number. He further states his suspicion, that the accusation rested upon the speeches that passed at the debate on the meeting of this Parliament in June 1640, and he reminds his correspondents, that, upon that occasion, "Montrose *did dispute against* Argyle, Rothes, Balmerino, and myself, because some urged, that, as long as *we had a King*, we could not sit without him; and it was answered, that to *do the less* was more lawful than to *do the greater*." * This is not very fully or explicitly stated; but, taking it in connection with an accusation preferred against Argyle in reference to the same occasion, (a mysterious story we shall afterwards have occasion to expiscate,) we make no doubt that the above is a very cautious and subdued reference to certain treasonable expressions and propositions that

* Original MS. See Chapter XI. where Archibald Johnston's correspondence is given from the original manuscripts.

had occurred at this lawless convention, "whereof (says honest Spalding) the like was never seen in the Christian world, where any King ruled and rang." The whole revolutionary plan of the previous Parliament was here effected, and various acts were passed and forced upon all, the manifest object of which was to fortify the faction in the approaching rebellion. The conservative feelings of Montrose, and a few others in this Parliament, were powerless to arrest the developement of the "cloud in the north." They were induced, or rather compelled, to subscribe with the rest its lawless proceedings, in the vain hope that here was the utmost limit of the movement, and that by giving way to the pressure now, they were preserving themselves to be of use to the King in future. Nay, by a master stroke of policy on the part of the faction, they were even put upon the monstrous committee to which this Parliament gave birth.

From James Gordon's manuscript we shall now extract a very distinct and curious account of the new government, constituted by this revolutionary convention of June 1640.

"It will not be amiss to give some account of the Committee of Estates, and their power, as it was specified in this Parliament, because in the following year this new representative had the power of kings and parliaments engrossed in their persons and judicatories. The members of it were noblemen, Rothes, *Montrose*, Cassils, *Wigton*, Dumfermline, Lothian, Earls; for Lords were, Lindsay, Balmerino, Couper, Burleigh, *Napier*, *Lower*; Lords of Session were, Lord Dury, Lord Craighall, Lord Scotstarvet; then followed Sir Thomas Nicholson of Carnock, lawyer, Sir Patrick Hepburn of Wachton, Sir David Hume of Wedderburn,

Sir George Stirling of Keir, Sir Patrick Murray of Elibank, Sir Patrick Hamilton of Little Preston, Sir William Cunningham of Caprington, Sir William Douglas of Cavers, James Chamber of Gadgirth, Sir Thomas Hope of Carse, *Drummond of Riccarton*, Laird of Lesley, Forbes, Mr George Dundas of Manner, John Smith, burgess of Edinburgh, Thomas Paterson, taylor, Richard Maxwell, sadler in Edinburgh, William Hamilton, burgess of Lithgow, Mr Alexander Wedderburn, clerk of Dundee, George Porterfield, bailie of Glasgow, Hugh Kennedy, bailie of Ayr, John Rutherfurd, provost of Jedburgh, Mr Alexander Jaffray, burgess of Aberdeen, in his absence, James Sword, burgess of St Andrews, and James Scot, burgess of Montrose. These were a mixed multitude—many heads here but few statesmen, though all nominated to sit at the helm. Some of these *were known to favour the King*,* yet were nominated either to unmask them, or to debauch them by their concurrence against him; others added for their insufficiency, as knowing that they bore a zeal to the cause without knowledge, so the fitter for their ends; they were added as *ciphers*, to the few *digital* statesmen who sat here, to make up number, and for the greater authority, and mainly to delude these simple ignorants by making them believe that they had power and authority, when indeed they had but the name, and *others the sway*. These were added, and augmented, and changed, or turned off, as the few ringleaders saw occasion in the following years, or as they found them faithful and forward, or growing cold or slack; and before the year turned round there inter-

* I have marked with Italics the names of those who were certainly of Montrose's party, and may be termed *conservative*.

vened a foul rupture and schism amongst the principal members of this committee. One thing was much remarked here by all men, that it shewed *much modesty and self-denial* in Argyle to be contented not to be preferred to this high honour. But all saw he was *major potestas*, and though not formally a member, yet all knew that it was his influence that gave being, life, and motion to these new-modelled governors; and not a few thought that this junto was his invention. If it were so or not, I determine not. A reason why he was not nominated was his absence at this time in the Highlands, and his being employed much of this summer in waiting upon the supposed invasion of Strafford's army. Yet there was a door left open for him to enter the committee whenever he pleased, both as an officer of the army, and upon the call of the committee; for they had power to call any they pleased to assist them, so, albeit he was not nominated, yet he was included in the state committee."

That the above is a true account of this committee, which usurped every function of government, and by means of the lurking power of Argyle, and the factious abilities of a few leading Covenanters, commanded the Parliament of which they professed to be the organ, will be amply proved even by the history of their proceedings against Montrose, to be presently unfolded. The revolt of Scotland was manifestly progressing (from the tithe agitation of Rothes, who was now comparatively insignificant,) to be under the *dictatorship* of Argyle, whose "great power and following," and vicious ability, rendered him, notwithstanding his constitutional nervousness, without a competitor in such a pretension. Argyle was sent, both in 1639 and 1640,

by the Covenanters, (which of course means by his own desire) against the loyally affected in the north, where many of his personal and hereditary enmities were to be gratified. These expeditions appear to have been characterized on the part of Argyle by treachery, cruelty, and a malicious jealousy of the more generous campaign of Montrose. The latter had garrisoned the ever loyal house of Airly, but at the same time behaved with the humanity which in his general treatment of "the enemy" was so displeasing even to the Rev. Robert Baillie. Argyle, a soldier worthier of the Covenant, followed, not like mercy, the steps of Montrose in the north. In vain Montrose wrote to him that the house of Airly had been already visited, and was occupied by his own soldiers. It was doomed to destruction by Argyle, who (as he generally contrived) found no force opposed to him, and who, "at the demolishing thereof, is said to have shewed himself extremely earnest,—that he was seen taking a hammer in his hand, and knocking down the hewen work of the doors and windows till he did sweat for heat at his work." * But, besides indulging his vindictive feelings against the gallant Ogilvies of the Braes of Angus, Argyle, on this same expedition, concussed the people of Athol, and as contemporary writers record, by the treacherous tactics characteristic of his military capacities, without a blow struck (to the great disappointment of the Athol men, who, says Guthrie, "would gladly have had a bout with the Argilians,") surprised and made prisoners the Earl of Athol himself, along with eight gentlemen of that country, among whom was the unfortunate John Stewart, younger of Ladywell. They were made prisoners in

* James Gordon's MS. See note to this page at the end of the volume.

Argyle's own tent, at the Ford of Lyon, where, as circumstantially reported to Montrose by John Stewart, certain expressions passed, in presence of the soldiers, relative to *dethroning the King in Scotland.* It is worthy of remark, too, that, according to Stewart's story, this conversation had reference to *that very debate* mysteriously alluded to in the passage we have quoted from the secret correspondence of Archibald Johnston. The history of this charge of high treason against Argyle (which became the means of destroying the conservative party in Scotland) will appear in a subsequent chapter.

Thus it happened that Montrose, (independently of the circumstances already detailed as having opened his eyes to the danger of the country, and caused him in the parliaments of 1639 and 1640, to "dispute" against such statesmen as Argyle, Rothes, Balmerino, and Archibald Johnston,) shortly after the last convention of the Estates in June, had become impressed with the belief that a plot really existed to dethrone the King in Scotland, and to place the Earl of Argyle as *dictator* over the distracted country. This had been pressed upon his attention by various circumstances occurring about the same time, and which were sufficiently convincing, though it was not so easy to bring home an accusation of the sort against the wily and powerful highland potentate, who rejoiced in a supreme criminal jurisdiction as his own appanage, and lorded it over hosts of "uncanny trewsmen,"—as Baillie calls them with mingled fear and admiration,—"these supple fellows with their plaids, targes, and dorlachs,"—whose memories and consciences were as supple as their limbs. Montrose determined, however, to unravel the treason and denounce the traitors, and he was most anxious

that the Parliament should meet in November 1640, (to which time it had been prorogued from June,) and that the King should be present in person, when he intended, first, to clear himself from the aspersions cast upon him as a "backslider in the cause," and then to prefer an impeachment even against the most powerful if he found the proofs sufficient.

But Montrose, much too ardent and open to cope with his wily opponents, or to conduct a scheme of the kind in such times, even Montrose felt the necessity of caution. As yet he had no access (notwithstanding the calumny against him) to the King's ear, and he required to be backed by a powerful party, and irresistibly armed with proof, ere he could effectually prefer this public accusation. For the faction had adopted, in their own favour, various *acts against leasing-making* (most tyrannical instruments in *their* hands, as we will find), a measure pointedly directed against all who might in any way impugn their proceedings. Now, when it was discovered that Montrose was "very hard to be guided," his enemies were ever on the watch to bring him under some of these lawless covenanting acts against "incendiaries" and leasing-makers. Of his critical position Montrose himself was perfectly aware, and what he did was this: Sometime in the month of July 1640, he framed a *conservative bond*, to which he obtained the signatures of various noblemen, chiefly his own connections, at Cumbernauld, the house of his relative Fleming, Earl of Wigton. Montrose was now decidedly marked by the Covenanters, or the few who represented them, as inimical to their schemes, though, from cunning policy, they still retained him, and other loyalists, in their military commands. But Montrose resolved, in his own mind, that, so far as his influence

could prevail, that army should not rob the King of his prerogatives. To the bond above-mentioned he had obtained, among other important signatures, that of the Lieutenant-General himself, Lord Amond, who was second in command under Leslie. Thus Montrose hoped to have saved the King from any desperate designs of this invasion, and also to have bound together a party to support his undisguised opposition in the ensuing Parliament. This measure of necessity, the true history and details of which have never been recorded, is vaguely referred to by those inimical to the fame of Montrose, in order to prove mean duplicity against a character naturally as truthful and fearless as ever fell a victim to faction. Compelled as he was to manœuvre for his King, in times when loyalty scarcely dared to manifest itself in Scotland, we will find that for the successful conduct even of this stratagem his nature was totally unsuited. The terms of this bond, and the reasons for it assigned by Montrose himself, will be laid before the reader, when we arrive at the circumstances which brought the matter prematurely to light. In the meantime we must follow him with the invading army to Newcastle.

Argyle acted as whipper-in to the Scotch army, but always found an excuse for not joining it in person.*

* Baillie gives a most amusing account of Argyle's campaigns with the covenanting rebels. Upon the occasion of their first expedition to Berwick that nobleman did not accompany them; but "Argyle was sent for to the treaty of peace, for *without him* none would mind to treat; he came and set up his tent in the hill, but few of his people with him." His peculiar province, however, was "to lie about Stirling, in the heart of the country, to be always ready in subsidies for unexpected accidents, to be a *terror to our neutralists*, [*i. e.* all peaceably inclined and well disposed persons] or but *masked friends*. [*i. e.* all conservative Covenanters],

A respectable army, numerically considered, was at length assembled, and encamped at Chess-law (or Chouseley) wood, near Dunse, where it remained for some weeks, apparently in doubt whether to venture upon the borders. The general Committee, which now governed Scotland, had been divided into two parts, one whereof was destined to attend the march, and the other to sit at home. A deputation was sent from the army to the town of Edinburgh to petition for money, and this was the old clique, Rothes, Loudon, and Mr Archibald Johnston. They were anxious also to obtain linen for tents, "because," they said, "it would be *troublesome* to those of England, who were much delighted with their planting, if our army should cut down timber for building huts." A fanatical minister and a congregation of women afforded machinery sufficient to realize this latter expectation; and, accordingly, "Henry Pollock had so sweetly spoken into the people's minds on the Sunday, that the women, afternoon and to-morrow, gave freely great store of that stuff, almost sufficient to cover our whole army." The deputation also collected a large sum of money, their hopes of assistance from England having been grievously disappointed. However, the faction was not to be turned aside from this mercenary crusade against the "Religion and Liberties" of Eng-

to *make all* without din *march forward*, lest his *uncanny trewsmen* should light on to call them up in the rear—it was thought the country of England was more afraid of the *barbarity of his Highlanders*, than of any other terror: those of the English that came to visit our camp did gaze much with admiration upon these supple fellows, with their plaids, targes, and dorlachs." On the second expedition, after all the fighting is over, and the Covenanters in such exultation that, says Baillie, "we shall get for *ourselves* fair enough conditions; but it will be to our great regret if we get not *all the King's dominions* to our *happiness*,"—(*i. e.* the Presbyterian model!) then, he adds,—"Argyle, with a brave band of gentlemen volunteers on horse are *making in*."—*Letters and Journals.*

land, "from whence," adds their too honest chronicler, "there was no expectation of money till *we went to fetch it.*" It was sometime during this pause, betwixt the mustering of the army and its crossing the borders, that Montrose framed and obtained signatures to his conservative bond.*

The little crooked Felt-Marshal, engaged to fight in the leading strings of a covenanting committee, now again saw himself surrounded by that motley host of black gowns and blue bonnets which composed the fantastical ranks of the kirk-militant, and not a man of them with a certain or sane view of their precise plan and purpose. Seizing that attitude of mingled doubt, and daring, and fear, and bravado, some wag of the day has embalmed the Scots invading army of 1640 in an immortal ballad, most descriptive of its extravagant visions, and uncouth array:

March! March!
Why the devil do ye na march?
Stand to your arms, my lads,
Fight in good order;
Front about ye musketeers all
Till ye come to the English border;

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* Dr Wishart states, that Montrose was absent when the rebel army came to the determination to cross the borders; and he adds,—"Which resolution of theirs the chief of the Covenanters had taken up in their cabinet counsels more than six weeks before, and to that purpose had been busy in divulging through all Great Britain their apologetic pamphlets, whereby they laboured to set a gloss upon the reasons of their expedition. This resolution of theirs, Montrose, being returned, seeing he could not hinder, would not seem to disapprove. Montrose commanded in this army two thousand foot and five hundred horse; his friends (who were most obliged unto him, and had religiously promised their best endeavours in the King's service) had the command of five thousand more; and truly, if a great part of them had not been worse than their words, they had either brought the whole army along with him to the King, or at least had broken the neck of the Covenanters' designs."

Stand till't and fight like men,
True gospel to maintain,
The Parliament's blythe to see us a' coming—
When to the kirk we come
We'll purge it ilka room,
Frae popish reliques, and a' sic innovation,
That a' the warld may see
There's nane in the right, but we
Of the auld Scottish nation.
Jenny shall wear the hood,
Jockey the sark of God,
And the kist fou of whistles *
That mak sic a cleiro—
Our pipers braw
Shall hae them a',
Whatever come on it.
Busk up your plaids, my lads!
Cock up your bonnets!

When (about the middle of August,) the Covenanters arrived at the Tweed, a curious scene and incident occurred, for which we have the authority of James Gordon, and also of Baillie who was with the army. The chiefs were assembled, and "dice were cast" to determine which should first pass through the river. The lot fell upon Montrose. Either it was so managed to test his willingness, and commit him conspicuously in the rebellion, or the fortune was remarkable. All the contemporary accounts coincide in their description of the alacrity with which our hero set the example to the whole army. "He went on foot himself first through, and returned to *encourage* his men." There was considerable danger in the attempt, for the stream was so strong that some of the horse were afterwards stationed in the water to break the force of the current, and one of Montrose's soldiers was drowned in the passage. Animated, however, by the gallantry with which he had

* The organ.

passed and repassed, "boots and all," the whole army prepared to incur once the risk he thus incurred thrice. "And so," says Baillie, "*we* passed Tweed the 20th of August with *great courage*, our horse troops standing in the water, our foot all wading in order about their middle." The miserable affair of Newburn, where Lord Conway scarcely disputed the passage of the Tyne, enabled the Scots to fasten with impunity upon Newcastle, and afforded them the pretensions of a great victory. Sir James Turner (apparently the prototype of Rit-master Dugald Dalgetty) happened at this time to be returning from mercenary service abroad, and was roving anywhere for a new commander. So he stumbled upon the victorious Scots at Newcastle, where, he says, "I found this success had elevated the minds of my countrymen to such a height of vanity that most of them thought, and many said, they should quickly make a full conquest of England; but time hath shewn them since that they made their reckoning without their host." *

In none of the accounts of this passage of the Tyne do we find any mention of Montrose. The affair appears to have been decided by Leslie's judicious management of his "dear Sandie's stoups." † It was to

* When they came actually to realize the fruits of their adventures, Baillie, I presume the least worldly, the most conscientious, and the most disinterested patriot of the faction, thus gloats over their extraordinary good fortune, in the true spirit of the cause, and of his country. "L.300,000 Sterling—5,408,000 merks Scots! is a *pretty sum* in *our land*, beside the 1,800,000 merks for our army these last four months, and L.25,000 Sterling for the fifth month coming! Yet the hearty giving of it to us, as to *their brethren, refreshed* us as much as the *money itself*." —*Letters and Journals.* They had certainly "gone to fetch it" to some purpose.

† The only mention of Montrose in the Covenanters' dispatches is as follows: "When the army came to their night's leaguer at Newburn-

their own utter amazement that the Scots obtained this easy possession of Newcastle, "not well knowing," says Baillie, with great simplicity, "not well knowing what to do next, yet this is no new thing to us, for many a time from the beginning we have been at a *non plus*,"—and, in some tribulation at the long promised assistance from England still failing them, he adds, "if we trouble in the *least sort* the country of England, *we are feared* for their rising against us."

We have now to record the secret history of the conservative plans of Montrose, who (with Lord Napier and a few other loyally-inclined Covenanters) was nominally and officially a member of the covenanting committee that accompanied the army, though never consulted, nor admitted to the free masonry of the revolutionary junto.*

ford, the general and lieutenant-general, Earl of Montrose, Lord Ker, and some few with them, were going about the fields towards the water, an English troop appeared above the water-brae within a short distance of them. Both halted till some more of our horses came up, and then the English retired over the water."

* The treaty commenced at Rippon in October 1640, and shortly afterwards, greatly to the advantage of the corresponding factions, was removed to London. Bishop Guthrie, speaking of the state of the committee with the army at Newcastle, says,—"divers of the nobility, such as Montrose, Erskine, Drummond, and others, quarrelled (complained) that they were neglected in the matter of consultation, and that business was contrived and carried on by a few."

CHAPTER X.

FATE OF MONTROSE'S FIRST CONSERVATIVE ATTEMPTS IN SUPPORT OF THE KING'S AUTHORITY.

TOWARDS the end of the month of September 1640, Montrose contrived to transmit a letter to the King. "In the time of the truce (says Dr Wishart) Montrose had sent letters unto the King, professing his fidelity, and most dutiful and ready obedience to his Majesty, nor did the letters contain any thing else. These being stolen away in the night, and copied out by the King's own bed-chamber men,—men most endeared to the King of all the world,—were sent back by them to the Covenanters at Newcastle; and it was the fashion with those very men to communicate unto the Covenanters, from day to day, the King's most secret councils, of which they themselves only were either authors or partakers."* According to Sanderson, this treachery had

* Bishop Burnet, in his Memoirs of the House of Hamilton, asserts that Sir James Mercer "did often vouch before many witnesses," that the Covenanters obtained their knowledge of Montrose's correspondence with the King, simply by means of Mercer having read the address of Montrose's letter, as it accidentally fell to the ground. Burnet adds, without quoting authority, that, being threatened by the covenanting committee, "Montrose came, and produced *a copy* of the letter he said he had written, and *craved pardon*, and so this matter was passed over." This version is by way of saving the character of Hamilton, nor is the discrepancy of much consequence to Montrose. But the evidence of Montrose's chaplain, so strongly corroborated by others, is to be preferred to Burnet's. Spalding records, "1640—word came here that the King was under some suspicion of his *cubicularies* (bed-chamber men,) that they were revealing, what they heard him say, to the Scots; whilk I be-

been instigated by the Marquis of Hamilton, and Bishop Guthrie declares that Montrose himself, "professing to have *certain knowledge* thereof, affirmed William Murray [the creature of Hamilton] was the man who, in October 1640, sent to Newcastle the copies of his letters, which he had written to the King then at York." Baillie's account of the matter is as follows:—"Some of our officers became mal-contents; what ailed our officers is not yet well known, only Montrose, whose *pride* long ago was intolerable, and meaning very doubtful, *was found* to have intercourse of letters with the King, for which he was accused publicly by the general in the face of the committee. His bed-fellow Drummond, his cousin Fleming, his ally Boyd, and *too many others*, were thought too much to be of his humour. The coolness of the good old general, and the *diligence of the preachers*, did shortly cast water on this spunk beginning untimeously to smoke."

It was the instant and fearless assertion by Montrose, of his right to hold a private correspondenee with his Sovereign, that paralyzed his accusers, and caused them to be, "as many a time from the beginning they had been, at a *non-plus*." Hamilton may have entertained hopes of ruining Montrose by this disclosure, and certainly the covenanting faction were most desirous of an opportunity to rid themselves for ever of a nobleman whose talents, courage, and independence, were so formidable to them. The occasion at first appeared to favour their object. Leslie's articles of war decreed that "no man shall at his own hand, without warrant of my Lord General, have or keep intelligence with *the enemy*, by

lieve was not far by, so long as he keeped the *Marquis of Hamilton* beside him." Laud, Secretary Nicholas, and Charles himself, all bear witness to the fact of his Majesty being a prey to this mean faithlessness of his household.

speech, letters, signs, or any other way, under the pain to be punished as a traitor." In fact, his Majesty was considered the enemy, and a loyal correspondence with the Sovereign, apart from the faction, was treason by their code. But when Montrose boldly justified the act, it was impossible to gainsay him. For these same articles of war, true to the system of the Covenanters, who never struck a rebellious blow without first proclaiming God save the King, contained this provision; "If any man shall *open his mouth* against the King's Majesty's person, or *authority*, or shall presume to touch his sacred person, he shall be punished as a traitor!" So the matter ended for the time.

But the Earl of Argyle was not to be out-manœuvred by such a character as Montrose. The private bond, which the latter no doubt flattered himself would be the means of saving the country, was also speedily discovered, and brought before the Committee at Edinburgh by Argyle himself. One of the peers who signed it was young Lord Boyd, Montrose's "ally," and the son-in-law of the Earl of Wigton. Lord Boyd died about the 24th year of his age (according to Sir James Balfour in consequence of a "burning fever,") on the 19th November 1640. Shortly before his death he had uttered some expressions which made known that such a bond existed. Argyle, with characteristic sagacity, discovered the whole secret. He paid a visit at Callendar, (where Lord Amond had arrived for a time from his command at Newcastle,) nor did he depart without obtaining all the information of which he was in quest. He laid the matter before his subservient Committee at Edinburgh, who immediately summoned Montrose, then in Scotland, and the rest of the noblemen implicated, and within their reach, to appear and answer to this new accusation of treason against the faction of

Rothes, and the government of Argyle. Montrose upon this occasion acted with the same cool intrepidity which he invariably displayed when placed in a dangerous position with the party anxious to destroy him, and not scrupulous as to the means. He avowed and justified the act. Spalding says, "Montrose produced the bond." Bishop Guthrie's account is, that "they acknowledged the bond, and gave their reasons why they had joined in it, all which were rejected by the Committee, and they declared censurable; and indeed some of the *ministers*, and other fiery spirits, pressed that their *lives might go for it;* but Argyle and his Committee considered that they were too strong a party to middle with that way, especially seeing divers of them, having the commands of regiments in the army, and therefore they consulted to pack up the business, upon a *declaration* under their hands that they intended nothing against the public, together with a surrendering of the bond, which the Committee having gotten caused it *to be burnt.*" If the terms of this bond had been at all discreditable to Montrose, or had it contained any intemperate expressions against "the cause," it would have been printed in the shape of a pamphlet, and circulated as a means of agitation against him. But their policy was to exasperate the public mind by vague and cloudy rumours, to the effect that this was a diabolical plot against the liberties of the country, and against those sacred and loyal principles which the Covenant had promulgated. The covenanting clergy were particularly incensed at the idea of a new Covenant of which they were not the agitators, and Guthrie's statement, that these "fiery spirits pressed that their lives might go for it," is well corroborated by the expressions of Baillie, who calls this conservative attempt, which even

the lawless arm of a tyrannical Committee could not reach, "Montrose's *damnable* band, by which he thought to have *sold us to the enemy*." I am not aware that a copy of this bond was hitherto known to exist. It is frequently alluded to in history, but the terms of it are no where quoted. Among the manuscripts of Sir James Balfour, however, I have been so fortunate as to discover a transcript, both of the bond, and of the subsequent declaration mentioned by Guthrie. These shall now be laid before the reader, that he may judge how far the violent expressions of the reverend Covenanter were justified.

"*The copy of the bond subscribed by Montrose and the rest of these noblemen.*

"Whereas we under-subscribers, out of our duty to Religion, King, and Country, were forced to join ourselves in a Covenant for the maintenance and defence of eithers, and every one of other in that behalf. Now finding how that, by the *particular and indirect practising of a few*, the country, and cause now depending, does so much suffer, do heartily, hereby, bind and oblige ourselves, out of our duty to all these respects above mentioned, but chiefly and namely *that Covenant* already signed, to wed and study all public ends which may tend to the safety both of Religion, Laws, and Liberties, of this poor kingdom; and, as we are to make an account before that Great Judge at the last day, that we shall contribute one with another, in a unanimous and joint way, in whatsomever may concern the public, or this cause, to the hazard of our lives, fortunes and estates, neither of us doing, consulting, nor condescending in any point, without the consent and approbation

of the whole, in so far as they can be conveniently had, and time may allow. And likeas we swear and protest by the same oath, that, in so far as may consist with the good and weal of the public, every one of us shall join and adhere to others, [each other] and their interests, against all persons and causes whatsoever, so what shall be done to one, with reservation foresaid, shall be equally resented and taken as done to the whole number. In witness hereof, &c."

"The subscribers of the principal bond, and in this order. Marschell, Montrose, Wigton, Kinghorn, Home, Athol, Mar, Perth, Boyd, Galloway, Stormont, Seaforth, Erskine, Kircubrycht, Amond, Drummond, Johnston, Lour, D. Carnegy Master of Lour." *

* "The copy of the declaration subscribed by Montrose and the rest of the noblemen that subscribed the bond."

"We under-subscribers conceiving that there was some indirect practising against the public, which induced us to enter in a particular bond among ourselves, conceived by us not to be prejudicial to the Covenant; and because the adversaries of the common cause did hereby build their hopes, that we thereby intended a division, which was and is contrary to our minds and intentions, and also that the committee thought it incumbent to them to interpose themselves in the seeming breach, as well to stop the mouths of our common enemies, as to remove all other mistakings and apparent divisions, therefore we, to free ourselves of all such suspicions, and to testify our sincere affection to the public, declare that what was done by us, in subscribing that bond, was done out of no evil or divisive intentions, or against our national oath; and that the bond should breed no offence to any person to the prejudice of the public, we have delivered the same, to be disposed upon as may best tend to the public behoof; and that no jealousies, mistakings, or heart-burnings be entertained by us hereafter, but that all and every one of us, joined in the national Covenant, may, according as we are obliged, be knit together as one man, to the maintenance of religion, king, and country, shall eschew all occasions which may give cause of offence to the public. Likeas we are not accessory to any other bonds besides this, according as we have already declared. Subscribed at Edinburgh, 28th of January 1641.

"The subscribers of this declaration are these: Mar, Montrose, Wigton, Kinghorn, Home, Galloway, Seafort, Erskine, Kilcubright, Drummond, Johnston, Lour."—*Denmiln MSS.* 13. *Advocates' Library.*

Of the Earl of Mar, Baillie, writing in the year that intervened betwixt that of the Covenant and the date of this bond, observes, "Stirling was in the hand of our *sure friend* the Earl of Mar, so we touched it not," and surely this chronicler must have blushed to look back upon the drivelling fanaticism quoted below,* when he found Lord Erskine's name too at the "damnable band." The fact is, that there was neither unanimity nor sanity of constitutional or Christian feeling in the original covenanting fervour, and those who signed this new bond had a better right to call themselves pure Covenanters, than those by whom it was execrated. For the Covenant itself breathed the very essence of loyalty, and, had Montrose acquired the power under a loyal bond of his own, and wielded that power in support of the King's authority against a democratic faction, he would only have redeemed the Covenant from the abuse of it by a few, and brought it to the purity of its original professions. Had he succeeded in destroying a cabal of factionists, who were working out their own fortunes behind the Covenant, his bond could not have been called a "divisive motion," subversive of the Covenant. But he *failed*, and therein consisted his crime, for the Covenant had reduced the country to this, that *might* was the only *right*.

* "While we were in some piece of perplexity, we were *singularly comforted*, that in the very instant of the Marquis's departure (from the Assembly, 1638,) a very noble youth, of great expectation, my Lord Erskine, craving audience of us, professed *with tears* his great grief, that, against the *inborn light of his own mind*, he had withholden his hand from our Covenant, and person from our meetings, besought to *pray Christ for him*, that his *sin* might be forgiven him, and entreated humbly we would now admit him to our Covenant and Society. We all embraced him gladly, and admired the *timeousness* of God's *comforts and mercies* towards us." —*Letters and Journals.*

After this vain attempt had exploded, Montrose, upon whom the whole odium fell, returned to the army at Newcastle, and during the tedious negotiations of the treaty, so disgraceful to Scotland and fatal to Charles, he was occasionally passing betwixt the camp and Scotland, until a new crisis brought him again into collision with the omnipotent Directory there, whose audacity rose in proportion to the success of their diplomacy at London, and the luxurious security of their camp at Newcastle. There was, indeed, a hope to which Montrose still clung, namely, that if Charles would come to Scotland, (as he had long intended, though deterred by the riots in Edinburgh,) to hold the Parliament in person, and would stand firmly by his own prerogatives, treason might yet be crushed. But this hope had been somewhat dampt, and we shall find our hero at the same time turning his anxious thoughts abroad, from his lost country, to distant fields of honour and glory. The following anecdote, which we quote from the original manuscript, occurs in a declaration made by Colonel Cochrane, of the Covenanting army, in presence of Argyle, Lord Angus, and *Lord Amond*, sitting as a committee of the Estates of Scotland, and labouring to extract materials for a charge of leasing-making on which to try Montrose.

"At Edinburgh, 29th June 1641,—in presence of the Lord Lieutenant-general (Amond), the Earl of Argyle, and Lord Angus,—Colonel Cochrane being desired to declare in what has past betwixt the Earl of Montrose and him, as well anent the Palsgrave,* as in the other particulars importing or concerning the public. The

* The Elector Palatine.

Colonel declared, that when he was last in Holland the Palsgrave sent for the deponer to the Breill, where he, entering in discourse anent his Highness's own affairs, desired the Colonel to represent his condition to the Estates of Scotland, and named some of the Scots noblemen whom he knew, and named the Earl of Montrose as one of whom he had *much heard*, and desired he might have the opportunity to speak with him. Thereafter the deponer coming to Newcastle had not occasion to speak with the Earl of Montrose for a reasonable time. The first time they met nothing past betwixt them but general discourse. The next time the Earl told he was *desirous to follow the wars abroad*, and *wished that things were settled at home that he might employ his talents that way*. Whereupon the deponer told the Earl of Montrose the desire the Palsgrave had to meet with him, who willed the deponer to write a letter to the Palsgrave, that he might call the Earl of Montrose to court, where they might meet, which accordingly he did, and within a while thereafter, the General (Leslie) taxed the deponer for writing that letter in such a private way, whereunto he answered that he did not apprehend any fault in it; and so it was passed over at that time.* Thereafter he told the Earl of Montrose that the General had questioned him, and, as he apprehended, the letter was intercepted. The Earl of Montrose answered, that if

* It was passed over (as Montrose's letter was) because there was nothing to lay hold of. The letter had been *intercepted*, and this shows the mean arts and jealousy of the party who were trying to crush Montrose. They were terrified (and some had good cause) lest Montrose should by any means break through that magic circle which Hamilton, in their favour as well as his own, had drawn round the King to exclude Montrose, and every other bold and upright adviser.

he should write any hereafter, he might do it in covert terms, because he was a man *envied, and all means were tried to cross him.* After this time, the Earl of Montrose and the deponer coming out of Chester *with the General,* the Earl entered in a discourse of the private bond which was burnt,* and told to the deponer that he had many reasons and grounds for the doing of it; one whereof was, that he could prove there were some *of the prime leaders of the business in the country guilty of high treason in the highest manner,* and that they had entered in *motions for deposing the King.* Whereunto the deponer answered, that these were discourses whereof he desired not to hear, and entreated his Lordship not to enter any further in that purpose, but to leave it, and speak of some other subjects; which he did; and had no [further] conference with the Earl of Montrose on the like subject, except one night in his own lodgings in Newcastle, the Earl drew the deponer to aside, and said to him, 'think you not but I can prove what I said to you the other day;' to the which the deponer answered, 'I desire not to hear or speak of such matters, and therefore craves your Lordship's pardon not to go any further on them;' and so there left it."†

This version of the matter extorted by Argyle, representing his own covenanting Inquisition, and presiding in his own case, is probably not the most favourable for Montrose that might have been con-

* This corroborates Bishop Guthrie's account of the fate of the bond.

† Original deposition, MS. signed, J. Cocheran.—Argyll, Amond.—*Advocates' Library.* There is another deposition of Colonel Cochran, among the same MSS. dated 22d February 1642, (when the persecution of Montrose, Lord Napier, Stirling of Keir, and Stewart of Blackhall, was still going on) in which he adheres to the above, and adds, "that the Earl of Argyle was the man whom he (Montrose) named."

scientiously given. Yet, even as thus extorted, the anecdote is characteristic of the loyalty of Montrose, and indicates the impression on his mind of treasonable designs in the Argyle faction. The accusation was uttered in company, if not within hearing, of Leslie himself, among whose articles of war we find the excessively loyal provision already quoted, and which, it might be supposed, would have prevented an officer of that army from betraying so much alarm, as Colonel Cocheran appears to have done, when Montrose declared that he had detected high treason. But after that clause in favour of the King's authority, and in the same article, follows immediately,—" he that shall *speak evil of the cause* which we defend, or of the kingdom and country in the defence thereof, or shall use any words tending to the dishonour of the Lord General, he shall be *punished with death.*" Now, the manner in which all such clauses, in the Covenanting statutes and articles of war, were practically interpreted, was this: Any one attempting to establish a treasonable purpose on the part of Argyle, or of the few who, with the aid of his power, now monopolized the government of Scotland, was closely watched, and detected before his proofs could be irresistibly fortified, and that person, be his station or credit in the country what it might, was immediately persecuted, to the extent of liberty and life, as an *incendiary*, or a *bander*, or a *plotter*, or an *evil speaker against the cause:* On the other hand, treason against the King himself might be darkly spoken by the privileged Covenanters with impunity, notwithstanding the profuse loyalty of their declarations; such language was in them protected from prosecutions, or impeachment, in the manner above stated, the King being in reality considered " the enemy" so long as he

retained a remnant of kingly power. It is remarkable that the high-spirited nobility of Scotland should have been so subdued by this system, that, although many of them (witness the signatures to Montrose's bond) were now awake to the dangerous "practisings of a few," Montrose alone was ready to proclaim a traitor, even in the person of the formidable Argyle, when satisfied that he had detected one. All save himself appeared to shrink from this bold policy, and thus it happened that he became isolated and devoted amid the storm of the great rebellion, a prey to covenanting hate on the one hand, and, on the other, to the jealousy even of those who were conservatively inclined.

How easy it was for one of the faction to evade that article of war which made it death for any one to "open his mouth against the King's Majesty's person or authority," we may illustrate by another anecdote, also gathered from contemporary and unpublished manuscripts. The King's authority had been very openly impugned upon the occasion of discussing the propriety of holding the Parliament of 1640, without his presence, or delegated authority. The most loyal reply which that constitutional objection appears to have met with, from the triumphant party with whom Montrose disputed the point, was, that it were better simply to sit without the King, than to proceed to depose him, and name another, though, "*Parliaments have judged kings.*" Such was the language which the Scotch factionists, still affecting the most extreme loyalty, were using at their own conventions, whispering abroad in private conversations, and teaching their very apt scholars, the democrats of England.

In a secret letter from Archibald Johnston (when managing, in London, the negociations of 1640-1) to

Balmerino, the following sentence occurs: "There is some word here of Sir Thomas Hope's speaking at Newcastle, since our way coming, that the King himself might be cited to the Parliament, as well as the Earl of Strafford; but Sir Thomas wrote to me what he spoke, and from whom he thinks that calumny comes. Some of us here [the Scotch commissioners] strive to shew the King's danger *in bringing any such things to question*, whereby both the *relevancy* of such a libel may be quarrelled [disputed,] and *his actions* called in doubt as the ground thereof."* In other words, this arch traitor is offended at the idea of the King's protecting his crown from treasonable expressions and propositions, and he hints that the attempt would only recoil upon himself. Now there is another secret letter, signed A. B., but unquestionably from this same Sir Thomas Hope (the Lord Advocate's second son, who commanded the "College of Justice Troop,") to Archibald Johnston, and dated from Edinburgh, 7th June 1641, wherein is the following postscript, clearly referring to the incident mentioned in the former letter. "Walter Stewart has craved a pardon for the wrong he did me, and *has set down the words, which past betwixt us, under his hand*, whereof I have sent the authentic copy to my brother, which ye may have from him, if ye desire to see it."† Among the voluminous collection of manuscripts in the Advocates' Library, I have also discovered the original re-

* The rest of this letter, which is dated 20th April, will be found in the next Chapter. What we have quoted had even escaped the research of Lord Hailes, who made some selections from this Covenanter's correspondence, preserved in the Advocates' Library.

† Neither had Lord Hailes observed this letter, which will be found at the conclusion of next Chapter.

cantation by Walter Stewart, alluded to in Sir Thomas Hope's letter, and shall here give it verbatim.

"5 June 1641. In presence of the Lord Balmerino and Edward Edgar, Lieutenant-Colonel Stewart was examined. Who, being interrogated what the words were which he did report to the Sheriff of Teviotdale, that *Sir Thomas Hope** had spoken anent the Parliament, deponed that the said Sir Thomas and he being one day with my Lord General [Leslie] in his dining-room at Newcastle,† and falling in discourse anent the Earl of Strafford, the deponer saying that the Earl of Strafford should only be *judged by his peers*, being so great a man as he was, and not by the whole Parliament, Sir Thomas replied,—that *no subject could be so great* [but that] *the Parliament might judge him; for, if credit be given to histories, Parliaments have judged Kings.* Whereunto the deponer said [that‡] he believed *he could not make that good.* To the which Sir Thomas answered, that it *might be made good out of histories.* The deponer asked, *out of what histories?* To the which Sir Thomas replied, that *he would not speak of English histories, but for the Scottish it would be found in Buchanan.* The deponer asked, *if it was out of his de Jure Regni?* Sir Thomas replied, he *spoke of his History.* The deponer answered, *he was but a modern writer.* Sir Thomas replied, *that though Buchanan was so himself, yet no*

* This proves that the letter to Archibald Johnston, signed A. B. was from Sir Thomas Hope. The Sheriff of Teviotdale was Sir William Douglas of Cavers.

† This indicates that the Sir Thomas Hope meant, is not the Lord Advocate, but his second son, he who commanded Leslie's body guard of lawyers.

‡ The words in brackets are supplied conjecturally, the manuscript being destroyed in those places.

doubt he had written out of those that wrote before him. The deponer asked, *what Kings were they of whom Buchanan wrote that?* To the which Sir Thomas answered, *that he did not remember their names for the present, but, to his memory, Kenneth the Second, or Kenneth the Third, was one of them.* And so they left discoursing upon that particular. The deponer declares, that none were present at the words speaking but the General alone, and that those were the words, or the like in substance, which the deponer did relate to the Sheriff of Teviotdale, and that he did not speak them out of any ill intention, and declares, that he never heard Sir Thomas speak any other words of this kind at no other time." *

Now all this, (perhaps a little more) may have been said very innocently by Sir Thomas Hope, as Walter Stewart in this *second* version of his story asserts, but any thing as suspicious pointed against the *de facto* King of Scotland, Argyle, would have met with a more elaborate scrutiny, the object of which would have been to ruin, and not to screen the accuser. This conversation, however, even as given, cannot fail to remind us of the debate at the opening of the Scotch Parliament of June 1640, and, by a singular coincidence, it occurred at the very crisis when the King's authority and person began to be mysteriously spoken

* *Original MS. Ad. Lib.* The deposition, not upon oath, is signed W. Stewart.—Balmerino, Edward Edgar. This was a small committee to dispose of such a matter. We shall have occasion to shew afterwards, that Walter Stewart was easily frightened into giving *any* testimony, and that, at the time when this declaration was elicited to whitewash Sir Thomas Hope, Walter Stewart had just been seized by the faction, and robbed of a letter he was bearing from the King to Montrose.

against, by the democratic faction in England. We have the fact on no less authority than Clarendon's personal experience. He tell us, in his life, that "when Mr Hyde (meaning himself) sat in the chair in the grand committee of the House for the *extirpation of Episcopacy* (1641,) all that party made great court to him,"—and that at this time he met his intimate republican friend, Harry Martin, "walking between the Parliament House and Westminster in the Churchyard,"—when they entered into a political discourse, in which it was the object of the republican to make a convert of his friend. Clarendon defended himself with the arguments of an upright and rational politician, and pressed his friend "to say what he desired, to which, after a little pause, he very roundly answered, '*I do not think one man wise enough to govern us all.*'" Clarendon adds, that this was the first word "he had ever heard any man speak to that purpose," and was greatly shocked at finding such a sentiment abroad, and hearing it from the lips of a gentleman, "possessed of a very great fortune, and having great credit in his country."

Are we then to assume that, because Montrose had joined the Covenanters, and supported them for a time with the spirit and ardour natural to his disposition, he could not become conscientiously opposed to them in the progress of the movement? Are we to hold that nothing was passing around him sufficient to give a reputable character to what has been so vaguely and virulently termed his *apostacy*, namely, his determination to support the King's authority, and his opposition not to the Covenant, but to the dominant Covenanters?

Montrose's determined opposition to this career of democracy, as soon as he detected its fatal growth in

"the particular practising of a few," was early suspected, and immediately provided against, by the demagogue, Archibald Johnston, who, we shall find, was but too triumphant in his scheme of destroying Montrose's conservative efforts, by bringing him under the lawless tyranny of the Scotch Directory, in 1641, immediately before the King arrived in Scotland.

In the following chapter shall be disclosed the private practising of this Archibald Johnston, which we have it in our power to illustrate by some curious original manuscripts not hitherto published.

CHAPTER XI.

A VIEW BEHIND THE CURTAIN OF THE COVENANT.

ARCHIBALD Johnston,—whom Charles I. was compelled to honour with knighthood, and a seat on the Scotch Bench, whom Cromwell raised to an English peerage, and whom Charles II. elevated, somewhat higher than a Cromwellian peerage, namely, on a gallows at the Cross of Edinburgh,—was the son of a respectable merchant of that town. His maternal descent was more distinguished, his mother being Elizabeth or Elspeth Craig, a daughter of the celebrated Sir Thomas Craig of Riccarton. It may be presumed, (though I can find the fact nowhere stated,) that this was the same "Elspa Craig" mentioned by Bishop Guthrie, as one of the matrons with whom his Majesty's advocate was in the habit of meeting secretly, to arrange "the first affront to the book." There is no doubt that Sir Thomas Craig's daughter was a keen Covenanter, and it is very probable that her son Archibald, who passed advocate in the memorable year 1633, was an *attaché* of the Lord Advocate's at the commencement of the troubles, as his mother, the godly Elspet, was of that formidable queen of the cause, the old Marchioness of Hamilton. Among Sir James Balfour's manuscripts, preserved in the Advocates' Library, there is an epitaph which indicates that Archibald Johnston's mother was more universally esteemed, even among Covenanters, than himself.

Devil swell thee, Death,
And burst thee, like a tun,
That took away good Elspet Craig,
And left the knave her son.

This worthy appears to have been very soon singled out, from among his learned brethren, as a fitting instrument of faction, and Baillie destinguishes him as "the only advocate who in this business is trusted." As soon as "the cause" commenced, he became its clerk, and was e'er long Secretary of State to the Covenant. The prominent part he acted in framing that *magna charta* is well known. The following anecdote, from the manuscript of James Gordon, I have not met with elsewhere. "The penner of all the Covenanters' protestations, and their public papers, mostly, was Mr Archibald Johnston, afterwards Lord Wariston, who is likewise said to have been the chief contriver of the frame of the Covenant, and to this purpose did make use of the History of the Civil Wars of France, whence he took his model for these public papers. This was related to me by him who at that time lent him the three volumes of that history, who is a near relation of his." When the "free Assembly" of 1638 was convoked, next to the appointment of Alexander Henderson, as their moderator, that of Archibald Johnston, as their clerk, was felt to be equivalent to transferring the whole spirit of the Tables into the Assembly, and a great struggle was made to gain that point. A most characteristic scene, narrated by Baillie, then occurred. The only records of the kirk in possession of the former clerk of the Assembly, and delivered to Johnston upon his election, were two registers containing the acts of Assembly since 1590. The Moderator said, that the loss of such a treasure was pitiful, and earnestly en-

treated all to labour in the search for them. His Grace promised to do every thing in his power to recover the lost volumes. Rothes suggested that some of *the bishops* had stolen them, and should be compelled to disgorge. This scene being exhausted, up rose the new clerk, like one inspired. "After much regretting the irreparable loss of these writs, the new clerk declared, that, *by the good providence of God*, these books they spake of were come to his hands, which he there produced to all our great joy. Five books in folio," &c. The account in James Gordon's manuscript is, that what Johnston produced were some "imperfect mutilated manuscripts that had been taken or kept by the clerks, or other private persons." Their authority was anxiously maintained by the Assembly; but, although a committee appointed for that purpose gave in nineteen elaborate reasons in support of their authenticity, and, of course, carried, by acclamation, an approval of the same as the true and obligatory records of the kirk in all time coming, still the Commissioner, and with good reason, protested against their reception. They certainly came from suspicious hands. * It was a feature of the covenanting revolution, ever to pretend to be founded, in all its steps however extravagant, upon some ancient constitutional *practique* alleged to have been infringed. The Revolution of 1638 was called a *renewal of the Covenant*,—a pretence which Clarendon so justly charac-

* There was much mystery about these registers. Baillie says, that "one Winram, depute to Mr Thomas Nicolson, had left them to one Alexander Blair, his successor in office, from whom Mr Johnston had got them." But James Gordon says,—"it is very uncertain if the registers presented were the principals, or if only copies,—but to this day Sir Archibald Johnston of Wariston would never tell how he got them into his hands."

terizes as an " imposition," and Dr Cook as " a piece of disingenuity." We will presently find this same miraculous clerk of the Covenant threatening to *look over old practiques* against the Monarchy, if his Majesty continued to be troublesome in taking cognizance of the approaches of democracy. Archibald Johnston appears to have been particularly fortunate in his discovery of ancient records, which he kept secret for his own constitutional purposes. Wodrow has left an anecdote in manuscript, relating to the period of Charles's visit to Scotland in 1641, which we may here anticipate. He mentions that some person who was employed by Archibald Johnston's son, to put his father's papers in order, discovered a voluminous diary which had been kept by the demagogue, of his own times. " My informer finds likewise in that diary that after the treaty, [of London in 1640 and 1641,] when the King came a little into Scotland, there were many conferences among the prime of the Covenanters and the King, at all which Waristoun was. The Scots Lords insisted much that the King would allow them the liberty of choosing the officers of state in the Parliament. The King was very peremptory against it. They pleaded that it had been anciently allowed by the Kings of Scotland, and alleged the records. The King denied there was any such thing, and told them he knew in his father's time any thing with relation to these was lost. After their insisting, the King required to see the records. They told him they were yet extant, though not among the records of the nation. After the King had given his oath that he would not *call for them out of his hands,* some two or three on the King's side, and as many on the other side, all *upon oath,* were let into the secret, and the King and they went over to

Dunfermline, where they were, and discovered by my Lord Waristoun. It seems that King James VI., through the advice of some that were for enslaving the liberty of the subject, and may be to please England, had ordered Hay of Dunfermling, in whose hands then they were, to destroy them. It seems he laid them up in his charter-chest, which was not opened till Waristoun, upon some civil process, was called to look through his papers, and there found them. The King had them laid before him. It may be supposed that these papers were the plan of many things the covenanting Lords then did, and gave them both courage and light how to act. My informer is in hopes that they are yet to the fore."*

The same Assembly that, as an essential preliminary to the Movement, elected Archibald Johnston as their clerk, with a salary of 500 merks yearly, still further testified their sense of his services by appointing him, before they rose, Procurator of the Church, with an additional salary of 1000 merks. He may now be considered their Secretary of State, and, by an Act of

* Wodrow's Analecta. *MS. Advocates' Library.* What with Archibald Johnston being so rich in smuggled antiquities, and Sir Thomas Hope so deeply read in *Buchanan*, the Covenanters were mighty strong in precedent against the British monarchy. Cromwell reaped the fruits, however, and Johnston was hanged, after having brought that fate on his betters. His diary is not now to be found, and thereby the world has probably lost a disgusting farrago of perverted history, wild fanaticism, and cant. Dr Russell makes the following shrewd observations upon Johnston's principles, in regard to the sacred obligation of an oath. "In releasing ministers from their oaths, they acted on a very singular hypothesis, explained by their clerk, Johnston of Wariston, (uncle of Bishop Burnet) namely, that the swearer is neither bound to the meaning of the prescriber of the oath, nor to his *own meaning* when he takes the oath, but to the reality of the things sworn, as it shall be afterwards interpreted by the *competent judges*. Johnston had surely mistaken his Church!"—*History of the Church in Scotland, p.* 170.

the Parliament of June 1640, he was ordained to attend General Leslie in the camp, to be present on all occasions with the war committee, and to superintend whatever treaties, consultations, or public declarations, might arise. When the treaty at Rippon was removed to London, he was specially added to the number of the Scotch commissioners, for the purpose of watching the interests of the Church. Then it was that his secret correspondence with Balmerino, and a select few of the Committee in Scotland, which we are about to disclose, occurred. It may be necessary, however, in order fully to understand and appreciate some of his allusions, to illustrate, from other sources, his particular objects.

To effect the destruction of Strafford and Laud—to root out Episcopacy even in England—to reduce the King's authority to a shadow—to trample on the neck of every statesman who dared to impede the revolutionary movement, were the *avowed* objects of the Procurator of the Kirk. To be *Clerk-Register*, as the *next* step in his own political aggrandizement, was his *secret* object, and therefore his chief aim was to deprive the King of his prerogative of choosing his own officers of State. And what a deplorable picture of the inconsistency, avarice, and ruffian democracy of the covenanting faction, presented itself, under these auspices, at the treaty of London! Among the manuscripts of the Advocates' Library, there is a volume containing contemporary transcripts of the various negociations and correspondence connected with this treaty. Among other papers is that of the *demands*, made by the covenanting commissioners, upon England, in satisfaction of their "brotherly assistance." That they should have demanded three hundred thousand

pounds, and upwards, for their trouble and expence of invading, and feeding upon, the sister kingdom, was simply characteristic of the Scottish nation. It was going a little further to attack the King's most precious prerogatives, and deny his right to choose his own councillors and judicial functionaries—or the individuals who should be about the person of himself, the Queen, and the Prince,—nay, the very place of residence in his own dominions for the royal family. But it is scarcely credible that these representatives of the Covenant, an institution founded upon the plea of repelling interference with national establishments, should *so soon* have had the effrontery to insist upon the total abolition of Episcopacy in England, and the substitution of their own democratic Presbytery instead! The long, elaborate, and canting essay, in which this demand is made, betrays, at the same time, a ludicrous consciousness of their own inconsistency, as the following extracts from this curious document will show.* It is entitled, "Our Commissioners' *desires* concerning unity in religion, and *uniformity* of church government as a *special mean* for preserving of peace in his Majesty's dominions." After a hypocritical preamble, it goes on to say,—"As we account it no less than *usurpation and presumption for one kingdom and church, were it never so mighty and glorious, to give laws and rules of reformation to another free and independent church and kingdom, were it never so mean, civil liberty and conscience being so tender and delicate, that they cannot endure to be touched*"—therefore they proceed to disclaim any such "arrogance and presumption" on their part towards England.

* I have not found it quoted elsewhere, or printed among the voluminous tracts of the period.

Having, as they conceive, saved, by this disclaimer, the principle of their own resistance to the canons and service-book, they proceed to show cause for, nevertheless, imposing their own Genevean forms upon England :— " Yet *charity*," they say, " yet charity is *no presumption*,"— and, accordingly, they maintain it to be their bounden duty, both as Christians and commissioners, to demand that England should become Presbyterian ! They gravely announce, " we love not to be *curious* in any other *commonwealth*, or to play the Bishop in another man's diocese,"—and yet they add, " in the paradise of nature, the diversity of flowers and herbs are useful, but in the paradise of the Church, different and contrary religions are unpleasant and hurtful; it is therefore to be wished that there were one Confession of Faith, one form of Catechism, one Directory for the parts and public worship of God, as prayer, praying, administration of the sacrament, &c. and one form of church government in all the churches of his Majesty's dominions." *

To the prolix reasons added in support of this demand, England, verging to its ruin, but not yet a prey to the puritanical party, returned the following answer, which the same contemporary transcriber entitles, " The Peers' answer to our Commissioners' demand concern-

* Thus, in 1640, completely justifying the principle of Charles's interference, in 1636, with the church government of Scotland, and leaving the difference betwixt them this :—Charles endeavoured to improve and perfect the system of Episcopacy, which had already, for thirty years, been constitutionally established there. The Covenanters,—that is to say, certain agitators and factionists who had usurped the functions of government,—maintained it to be *their duty* to overthrow Episcopacy *in England*, where it had always been established, and against the sense of the nation to plant Presbytery there, where it had never been admitted.

ing unity in religion, and uniformity of church government."

"That your proposition, in as much as concerneth a conformity of church government in both kingdoms, is that which *were to be wished.* But the alterations and innovations of that which is settled by the laws of each kingdom are *dangerous.* That the government of the Church of England is settled and established by the *laws and statutes of the kingdom.* That both the Houses of Parliament have now in their consideration all things conducing to the settling and peace of the Church of England, and will do therein that which in their wisdom they shall think fit. That although you may be commanded, by those who sent you, to make this proposition, yet, for ambassadors of any foreign prince, much less for *Commissioners,* his *Majesty's subjects,* to insist upon any thing that is *destructive* to the government settled and established by the laws of the kingdom, or to accompany their propositions with *discourses* and *arguments* in prejudice of the settled government, is both unusual and unfit. Therefore his Majesty expects, that, according to your *many professions,* and of that which is contained in *your own paper,* you will not intermeddle with the Reformation here in England, but leave the care thereof to the King and kingdom. As likewise, that you should not publish nor divulge any discourse by which the subjects of this kingdom should be *stirred up* against the established laws of the kingdom, but that you should acquiesce with this answer."

The inconsistency of the Covenanters was no less conspicuously displayed in their administration of justice towards those whom they were pleased to denounce as enemies of the state, and disturbers of the public

peace. The prosecution of Balmerino in 1634 was one of the strongest roots of the Covenant, and the faction raised a terrible outcry against Charles for the tyranny and injustice, as they termed it, of this criminal process. Yet in the very outset of their career they established the most powerful engine of their revolt, namely, criminal processes, devoid of every shadow of right, and principle of justice, concocted and matured, *per fas et nefas*, by their own committees, and brought before their own lawless conventions. The pursuit of "Incendiaries" quickly succeeded the hue and cry after Bishops, and the very term *incendiary* was one of the arts of insurgency to *prejudge* individuals obnoxious to them, but against whom there was in reality no case. All men of any weight in the country, who would not bow to the Covenant, every servant of the King enjoying place, and not of the faction, were liable to be denounced as incendiaries, their persons demanded in Scotland, to be tried *there*, by the covenanting Parliament, where the secret influence of Argyle was omnipotent, while, at the same time, the King's prerogative of mercy was excluded, and his prerogative of filling up the *vacancies* occasioned by such disqualifications, demanded as the privilege of that same democratical tribunal. Among the many mischievous acts passed in the Parliament of June 1640, there was one, of whose real object we are informed by Sir James Balfour, at that time (though he afterwards saw reason to change his views) a keen Covenanter. "Seventeenth act against *leasing-makers*, of whatsomever quality, office, place, or dignity; this act was made *purposely to catch* Traquair, the *Treasurer;* Sir John Hay, *Clerk-Register;* Sir Robert Spottiswood, *President of the Session;* Maxwell, *Bishop of Ross;* and others who,

by *rantring and lying*, had done much mischief to the kingdom." These were some of the loaves and fishes the leaders of the Covenant longed for. The ambiguous Hamilton himself was classed as an incendiary, until his being of the faction in Scotland was more unequivocally explained to them. But one great object was to protect those who were darkly plotting treason, from impeachment by Montrose. The very endeavour of that loyal nobleman, to satisfy himself of the treason of Argyle and others, the faction well knew how to turn into a pit for himself, and in that manœuvre we shall find them but too successful. But the quarry whom Archibald Johnston pursued, and with a violence of feeling and expression only to be accounted for by the badness of his own heart, was the Earl of Traquair. Independently of his holding the white staff, having been foreman of the jury that condemned Balmerino, and having occasionally exposed the designs of the "prime Convenanters" to the King, this nobleman appears to have fallen under Johnston's especial displeasure, in consequence of high words that had passed betwixt them, in personal collisions in England. All these persecutions and animosities, all his own mistaken policy, and all the rebellion of his Scottish subjects, the excellent King was willing to bury under an act of oblivion. The Covenanters pretended to the same desire, but practically they insisted that that act should expressly *justify* all their proceedings, virtually condemn the King, and especially except such of the King's servants as they selected to make examples of under their monstrous processes. Nay, when Charles, exasperated at their senseless and insatiable democracy, replied, that if they insisted upon excepting Traquair and others from this act of oblivion, he,

on his part, would except some of themselves, the faction, conscious upon whom such exception ought to fall, exclaimed against the equivalent as injustice and tyranny! Let us now turn to the secret correspondence of Mr Archibald Johnston, and observe how he worked the machinery of this revolution.

The following letter is dated from London, 2d December 1640, and addressed, "For my Noble Lord my Lord Balmerino at Newcastle."

"My Noble Lord,—I received your's of the 20th November by the public letter. Ye know all the papers that have past. The King, since the last answer of ours on Monday, seems not well pleased. It may be if that day of before we had not gotten a kiss of the Queen's hand we would not get it in haste. He would have the acts that import the authority of the Parliament suppressed, at the least us to undertake to recommend the same to the Parliament, for the which ye might justly hang us all, beside our perjury and the ruin of the kingdom's liberty. Business [*i. e.* democracy] makes slow progress here. The Lieutenant, albeit he lies in the Tower, has the King's heart.* The lower House men get liberty to be at the examination of the witnesses, even at the councillors upon oath, who dispute hotly they could not depone against their fellow-councillors for any thing spoken or done in council. Burton and Prynne† on Saturday were brought in with a hundred coaches, and great multitudes of people on horse and foot. The Londoners' petition is not given in yet till a fit opportunity. There is a remonstrance, against

* Strafford, the persecution of whom had just commenced.

† The scurrilous libellers, whose severe and impolitic but not unprovoked punishment was now made the handle of agitation.

the Deputy,* from Ireland. The Marquis† and the English‡ seem to agree better nor they did. The English *complain we give them no help against the Deputy.* We wonder that Kinhilt§ comes not up (after he was desired) to shew and to prove what wrongs he and others our countrymen have received from him in Ireland. He should be hasted hither with the proof of all these wrongs, for who can condescend on witnesses, or ways of probation, either anent the unlawful oaths in Ireland,‖ or the Deputy's oppressions. We have not here the roll of those are cited to the Parliament, which ye should send us with the summons; neither know the rest, only¶ whether the *Clerk-Register* and *President* be cited, (who have been *damnable incendiaries*** even at this time to hinder all agreeance while all others were dealing for it,) and *what can be laid to their charge.* Ye should be diligent (if it can be gotten done on a sudden) to *collect Traquair's malversation,* either in his late commission, or in his office. Mr Adam†† can help you in this. For aught I see, an ye *give us not strict directions,* we will let Traquair, Clerk-Register, and the President, *slip through our fingers,* and *return to their own places,* to over-rule all,

* Strafford. † Hamilton.

‡ By *the English,* Johnston means the puritanical or democratic party in England.

§ Sir Robert Adair.

‖ Strafford in the name of the King imposed an oath of allegiance in Ireland, to counteract the oath of the Covenant in Scotland. This was an *unlawful* oath, according to Johnston, and the oath of dis-allegiance in Scotland the only lawful one. But, according to his rules for interpreting an oath, it was no great matter what was imposed.

¶ This is incoherently expressed, but it seems to mean, "especially we are anxious to know."

** They were incendiaries in the degree of the value and desirable nature of their offices.

†† Hepburn of Humbie.

and God knows if that will either be to the honour or peace of the kingdom.* *Let not this meet me here again.* The disputes that arose by the King's questions, and our answers, are ordained to be suppressed, for the English† thought shame that ever the King should have proposed them. Let none retire home as if all were concluded,‡ for I profess the King's quarrelling of the Parliament shews what he grants one day he recals the next again.§ The Committee should be desired at home not to cause print the late acts now without the King, seeing he is in the way of publishing them in his own name. I wayte not what to say *anent this money* which has been so delayed. I know not how, and dare not say but, they mean reality. *The Lord direct us all.* Your humble Servant, A. J."

"This letter has lain these two days beside me. The King since has granted the acts. The L.20,000 is sent away. We have renewed the treaty. *Give us strict directions anent demanding Traquair* and *Bacanquel,*|| (whom the Estates in the narrative of their acts have specified, and *in effect condemned* with Clerk-Register and President,) to be *sent home to prison to suffer justice.* A *direction* of this kind would keep us in peace amongst ourselves, while some would either

* It would certainly not have been to the profit of the covenanting faction.

† Meaning the democratical faction in England.

‡ Alluding to the Scots army.

§ Referring to the King's disclaiming the Scots Parliament of June 1640. The King had never granted a right to that Parliament to pass laws without his concurrence in person, or by a commissioner.

|| Balcanquall's most unpardonable offence was his having compiled the large Declaration, at the command of his Majesty, and published in his Majesty's name. That unanswerable appeal, from sedition and hypocrisy to loyalty and Christian feeling, contained *the truth*, and so the Covenanters reviled it.

specify the Marquis, (whom the Parliament has not named as an incendiary, but generally cited upon alternatives,) or misken [*i. e.* mistake the character of] Traquair, who, indeed, is in a far worse condition, for the King and kingdom can *never end with honour* except he be in the reverence of the Parliament, *as ye were in his. The Lord has his times of retribution.*" *

" 11th April (1641.) My noble Lord. Albeit I wrote on Friday, this is to show you that on that afternoon the English condescended to take in all our papers to the Parliament, but [said] withal that the Parliament might be irritated. Bristol has persuaded the King also to seek the Parliament's advice anent his answer to our six papers given in to himself, as that anent his residence in Scotland, anent Scots servants about him, anent Council and Session, &c. They gave in, with our paper anent the unity of religion, some refutation of it, but what, they will not let us see. Since *God* has exonered us by *our printing* the *dangers* of *limited Episcopacy*, and the pattern of the discipline of Scotland, and by our urging the Parliament with these reasons for unity of religion, I think it is *now over in God's own hand to do for himself*, as indeed he begun to *caite* [manifest] his *old Scots way* the next day, for on Saturday, in Strafford's process the

* Referring to Balmerino's trial, on which Traquair sat as foreman of the jury. This malevolent stimulant, applied to Balmerino's more sluggish passions, or better feelings, accompanied by the cant that follows, is characteristic of Johnston. This letter had not been hitherto noticed, even by Hailes. There is a postscript which shows that the Scotch demagogue was at this time busy in preparing the machinery for the destruction of Laud. " Your Lordship must excuse me to my Lord Maitland, and fulfil my promise, by telling him what news I write, for I am *busy about Canterberrie's [accus]ation.*"

over House *caiting* their partial favour to him, more than to the lower House itself, persewing him for treason, and thereby premonstrating their inclinations to *clenge* (acquit) him, made on a suddenty all the lower House to shout with a terrible noise, *withdraw, withdraw*, which many mistook for *draw, draw*,* made the King and Queen, and Lords, presently retire, this being very like *our Glasgow Assembly* on the Commissioner's removal. The lower House sat (in the) afternoon—received the witnesses whom the Lords had refused—read their bill of attayndre, by way of act of Parliament, declaring Strafford a traitor, which, after twice reading, they will present on Tuesday to the higher House, whereof many will join to them, and *if it stick at the King's refusal*, they are to make a declaration of all to the Commoners of England."†

Another letter we must quote at some length, as illustrating the real spirit of the criminal processes in Scotland, raised in the name of the Covenanting Parliament under whose lawless persecution we shall presently discover Montrose.

"My Noble Lord,—Albeit I have written with this same bearer, Merschal, two letters to Humbie, to be sent to your Lordship, yet for fear of delay or miscarrying, I add the third, to shew your Lordship how the

* This curious fact I have not found mentioned elsewhere. Baillie in his journal of Strafford's trial, states it thus:—"The Commons on both sides of the House rose in a fury with a shout of withdraw! withdraw! withdraw! got all to their feet, on with their hats, cocked their beavers in the King's sight. We all feared it should go to a present tumult. They went all away in confusion. Strafford slipt away to his barge, and to the Tower, glad to be gone, lest he should be torn in pieces. The King went home in silence."

† Original MS. Not printed by Hailes.

King, yesterday, having answered us anent the Council and Session, and professing he would *get us money*, if the Parliament did not, *told us of his intention to come to Scotland* if the Parliament would prorogue another month for him, and after that urged us to pass from the act of oblivion, or the *reservation therein against incendiaries*, or else he would, as he said and swore, reserve as many. He raged when we told our *inability* to pass from any whom the Parliament had named and caused cite, (*especially Traquair*, who was protested against even at all the prorogations,) and remembered him of his former grant of the same in the fourth demand anent incendiaries. My Lord, I perceive, from sundry hands, that both this threatening of reservations of us, and this mentioning his intention to keep, himself, the Parliament in Scotland, is a trick of Traquair's, *by the advice of some of our own*,* for to terrify us (what with our own danger by that reservation of process, and the danger of the country by factions at home, which would grow by the King's presence,) to pass from the incendiaries; and this is but a boast, and albeit it were a reality, (as certainly neither affairs here will permit, *neither has the King any inward intention of going to Scotland*,) as I wrote to Newcastle my judgement freely, *in confidence*, I would rather he reserved me too, and laid my own feet fast, and more also, before ever so *base* a thought and so *unworthy* an act fell out in the hands of any of the committees, as thus to be *boasted and dung* from the Parliament's pursuit of the incendiaries named by themselves in their acts, which is not

* Johnston's information had led him to suspect Montrose as one of the author's of this policy which alarmed him so much. He was mistaken, however, in the notion that Traquair was in correspondence with Montrose on the subject, as we shall afterwards find.

a thing within the power of the Committee, let be of ours, and for the which ye might all be censured. I think this their tricks stopping the treaty demonstrates them so *really* to be incendiaries, as (that) ye should rather *renew your strict injunctions for sending them home.* If the King intended peace, he would not stand on this, and from which it is likeliest that he intends war; whether we yielded in that or not war would we have. I think *I be one man as sure to be pursued by Traquair;* and so is *yourself* thought one of those whom the King would reserve on *Traquair's information,* who professed to sundry his having challenges of treason against so many of us. My Lord *Rothes* is certainly one, as Traquair oft has vented himself. *Argyle* is suspected to be another. Except the *fear* of your own hazard from *Traquair's boasts* move you to send *us instructions to pass from him,* I think neither *honour,* nor *conscience,* nor *duty* can move any, and I believe *ye love not to be so boasted.* Fye on us, that any *of us* should be on these devices for to save the honour of an evil instrument, to the prejudice of the honour of the whole kingdom lying under the blame of treason and rebellion except (unless) *he* be brought to an acknowledgment. *Command us* to be resolved, in this pursuit, against all boasts and threatenings—*be diligent with your lawyers. I think* the Parliament should, by way of injunction, lay a *necessity* on Sir Thomas Nicholson to plead that cause for the *Commonwealth.* I would request you, with the *greatest secrecy that can be,* to cause *try* if all the honours and registers were left in the castle that *ever had been in it,* or, if any of them be wanting, if *Traquair* and the *Clerk-Register* have taken them away. This were a fact of *clear treason** in the

* Very clear treason, truly, that the High Treasurer and Clerk-Re-

judgment of all, and I suspect they be guilty of some such thing; but it *wald* [*i.e.* should] *be kept close without revealing to any* till the *very day of his compearance*! I have some grounds to suspect this, as I shall tell you if it please God that we meet. It is thought there is some present plot to break forth here. The Parliament will not rise, for aught we can learn, albeit they be commanded. Yesternight the lower House, after final voicing formally their bill of *attayndre*,* gave it up to the Lords with this declaration, that they would protest against them if they did not give them a speedy and satisfactory answer. The Londoners' bill for justice is given in,—after it the Londoners offer to guard the Parliament with 5000 men, if they will, on apprehension of dissolution, come into the Gild-Hall within the city. There is some report of the Queen's slipping down to Portsmouth with her plate, and of the King's sudden posting some day

gister, in times when the castle was continually stormed by insurgents and rebels, should have provided for the safety of what it was their duty to preserve! And this accusation, too, from Archibald Johnston, a notorious *smuggler* of public registers, to serve his own purposes! The above direction was a mean art, frequently employed by Scotch factionists, to *make a case by any means* against the obnoxious individual. Lord Napier has left the following anecdote of such an attempt against himself, shortly before the King's coronation visit to Scotland in 1633. "After all my enemies accusations, that they might leave nothing unattempted to bring me within the compass of law, I being then in England, the chief officers of state were not ashamed to go to Leith to call the merchants, customers, and searchers before them, to try if I had done any thing which they might take hold of, but they could find nothing, only one merchant told them that he had given me two hundred marks Scots for the custome of tobacco. Upon this they triumphed, wrote up to their complices at court that they had me sure; but after finding it compted for in the books, and discharged by themselves, they gave over all hope to find any thing in that kind to charge me withal." *M.S. Napier Charter-chest.*

† Against Strafford.

to his army, to whom there is some new oath, of absolute following him, sent down. The lower House would not condescend that the officers should go down. This day the Parliament is to fall to *our demands*, and to *get us money*. *God is going on in some hid way for his son's crown*. It will break forth. I thank God that keeps my spirit far above all fears, either national or personal. * The *Lord direct you* to be preparing for a storm. 22d April, (1641,) Your Lordship's real servant, A. J.

" My Lord Dumfermling has been oft with the King, and is suspected to have been on *this plot* of the King professing his intention to come to Scotland.

" I send you the copy of our information to some Parliament men, which we read also to the King, *but whereat some of our number were mightily offended.* I hope they will let you see *reason* for their standing to it also. I t[rust you] will make as much, of this letter and information, as (that) *I may be confident* that we shall have *no directions* from the Committee *at all to pass from incendiaries.*" †

This was the third letter which Archibald Johnston had written that day, to Balmerino and Adam Hepburn, full of the most violent malignity against the King, Traquair, Strafford, and other " incendiaries,"

* Yet this letter is deeply imbued with his *personal fears*, which whet the edge of his malignity. A sentence to be hanged never rung upon a more cowardly heart than Wariston's, as we shall find in the sequel.

† *Original MS.* This is one of the letters selected by Lord Hailes. But the edition of it in his collections is most inaccurate, and in some places quite unintelligible. The two last clauses are, in the original, marginal notes. In the Hailes' Collection they are introduced into the body of the letter, and in the middle of a sentence, so as to divide and destroy the sense.

urging and insisting that the most intolerant *instructions* should be sent to the commissioners in London, that is to say, to *Johnston himself*, who, in these letters, admits that the other commissioners were "mightily offended" at some of his measures, and vehemently opposed him in some of his democratical projects. At night, of the same date as the above letter, he wrote another of a like tenor, also to Balmerino, some sentences of which are incoherent with malicious excitement. Yet he says,—"God is my witness *I have no malice*, nor *particular end*, but only the *honour* of the kingdom to be preferred to his (Traquair's) point of honour. *Command us* to be stout—be diligent with your lawyers—prepare your recruits—let not this other *trick* of their causing the King profess he would come to Scotland himself to settle business—which is a *trick of theirs* also to terrify us, for fear of faction at home to grow by his presence. The lower House has given up their bill—grows daily stouter—will not rise —*will have Strafford's life*—are thinking on *moneys for us*—this in post haste—*Lord encourage and direct them.* * Your Lordship's humble servant. 22d April (1641) at night." And in the midst of his triumph at the prospect of blood and anarchy, the following blasphemous postscript occurs,—"Your Lordship will excuse me to my Lord Burley, and shew him that I had no more to write to him; and remember me to good Mr Hary [Rollock], who, I know, will think with myself, *(who* was *aye said to be blythe at evil news,)* that *business is going in God's old way.*" †

* The Almighty is here invoked to encourage and direct the democrats in England, in their determination to have the blood of Strafford —and to get "moneys for us."

† Lord Hailes extracted this postscript for his collection, but had

And this was the man who first directed the storm of covenanting persecution against Montrose, because he suspected that nobleman of the unpardonable offence of privately corresponding with the Earl of Traquair, on the subject of supporting the King in his constitutional prerogatives. The Procurator of the Kirk, it seems, might indulge to any extent in a secret correspondence, selecting whom he pleased of the faction as parties to that confidence, and yet be responsible to no one for the most malicious expressions against individuals, and the most inflammatory and treasonable propositions against the King and constitution. We must now quote some other passages from his secret correspondence, which indicate this demagogue's suspicions of the conservative party in Scotland, and his desire to overwhelm them in the ruin he so savagely decreed against Traquair.

"20th April. The greatest opposition by the King is made against the Act of Oblivion, which he will either have to be *universal* or *none at all*, or will reserve *as many among us* [as] we reserve of those that are cited. The *Duke of Lennox*, in the higher House, made a large discourse on all these three members. *It is easily known from whom it comes*,—my Lord Traquair—as he professed once to myself, and another time to Mr Henderson, that he could *challenge the Earl of Rothes of treason;* and he both said once to me, and, as my Lord Rothes knows from others, he said it also to the King, that before he perished, he

misread or misprinted it thus,—"who was aye said to be blythe, *as I did witness.*"—which destroys both the sense, and Wariston's characteristic of himself.

should mix Heaven and Earth and Hell together.* Some of his friends have told that he has charges of treason against sundry of our number. The King has spoken both to Sey and Pim, and told that he will reserve as many as we did, or perhaps he would be better, and only reserve three, for our four called incendiaries. It is universally surmised that my Lord Rothes is one. Argyle is suspected to be another. It is not known whether Loudon be one. I am thought *certainly* of the number, and either Sir Thomas Hope, Robert Meldrum, or you, (Hepburn of Humbie.) It is thought that Balmerino is not forgot.† Howsoever, for aught we can conjecture, the accusations *come from home.* The King says that he will go to the Parliament House, declare their names, show their crimes of treason, * * * * * letters or papers, and witnesses at home, (who some times * * *) noblemen witnesses who are no doubt the leaders of your *banders* ‡ * * * accusation is like the narrative of their band against *some few persons.* He says he will not meddle with their persons, but remit them to their own Parliament. But it is hard to believe that any who counsel the

* This is most maliciously stated. Traquair, a nobleman of high spirit and passionate expressions, when goaded to the quick by this relentless and irrational democrat, quoted, or made the classical allusion to the line in Virgil, "*Movere si nequeo superos acheronta movebo.*" This will be explained afterwards in a manuscript of Traquair's own.

† Johnston's object was to alarm the whole clique, and thus secure their intolerance. This letter is addressed to "my loving brother, Mr Adam Hepburn of Humbie, or to Mr Robert Meldrum, and after their reading to my Lord Balmerino." He also adds, "shew this letter to General (Leslie), Cassilis, Lindsay, Meldrum, Hope."

‡ Lord Hailes read this, "the leaders of your *banditti.*" It clearly refers to Montrose and the noblemen who signed the bond against the "particular and indirect practising of a few." The letters are very difficult to decypher, and in some places destroyed.

King to accuse any *of us* of treason will not counsel him also to lay us fast, as pledges of the Scots army remaining quiet. Neither do I see, if any of us be once accused of treason, how the persons accused can go on in the treaty, but should go home, and let your Committee send in their stead whom they please, or do otherwise as they think fit. Those of us who favoured Traquair may sleep sound and fear no danger, but God help them that are counted his enemies for sticking *steive* by *their instructions.** I have made a fair offer for myself that I shall be heartily content to be *yoked in one chain with the Earl of Traquair,* † and sent to Scotland, and let him accuse me, and me accuse him, and let the innocent go free, and the nocent suffer. We have written information for some Lords, and some of the lower House, and as I have said to them, so I say and write to you from the *bottom of my heart,* that before the Parliament of Scotland were thus *scoffed and boasted* from their pursuit of incendiaries, (whom *now,* if *ever* they may *see* to be incendiaries,)‡ I would rather be content for myself this night to be laid fast in the Gate-house, and let them do with me to-morrow what they pleased. I will say no more, but that it is a *shame* that any, let be so *many of us,* should yet be pleading for them, and whereas I was never for their *blood,* but only for their confession, *(to save the King and kingdom's honour,)*

* Which instructions, however, were Wariston's own prompting and insisting upon.

† There is something ruffian-like in this expression. The boast was a safe one, for two reasons: 1*st*, Johnston knew there was no chance of being taken at his word. 2*d*, Even if he had, there was no question how the accusation would have been determined in Scotland.

‡ This was Johnston's mode of lashing others into his own malevolent feelings; the expressions are not applicable to the very rational proposition, that, if peace was to be settled betwixt the kingdoms, these groundless and lawless processes should be departed from.

if we get *these recriminations*, I think they deserve justice *secundum merita*. The King mentions only Traquair's name, that if we do insist against him he will make his reservation, but if we will pass from him, he will *pursue none*. Ye may see it can be no great treason, in regard of such a compensation.* If *any of us* be accused here, *ye wald think, what to do* with *some there*, seeing we hear it comes from *Montrose*, and as I suspect, it is upon the speeches that passed in the [meeting] of Estates, the first of June [1640,] in the dispute whether to prorogate the Parliament, or to sit still notwithstanding of the King and Commissioner's absence,† when *Montrose* did dispute against *Argyle*, *Rothes*, *Balmerino*, and *myself*, because some urged that, as long as *we had a King*, we could not sit without him, and it was answered, that to do the less, was more lawful nor (than) to do the greater. There is some word here of Sir Thomas Hope's speaking at Newcastle, since our way coming, that the King himself might be cited to the Parliament, as well as the Earl of Strafford," &c. ‡

"9th March. This day the Committee anent Epis-

* With all his threatenings, Charles I. was but too apt to overlook even high treason, for present though short-lived peace. The treason might be very palpable notwithstanding.

† It is curious that the inaccurate fragment of this letter given in Hailes' Collection stops here, at the word "absence," and leaves out the whole of what follows, and throws so much light upon Montrose's opposition to the party he had joined, in an evil hour. It is impossible that Lord Hailes could have examined these manuscripts himself; he must have employed a very inexperienced transcriber.

‡ See *ante*, p. 333, where this reference to Sir Thomas is illustrated. There is a good deal more of this letter, but chiefly made up of boasting and violent expressions. Johnston waxes very courageous, knowing himself to be perfectly secure, in the King's want of firmness and free will, his own importance to both factions, and the presence of the Scots army at Newcastle.

copacy reported to the lower House that they saw the Bishops' civil places in the Parliament, council, &c. to be unlawful, and their sole power of ordination and jurisdiction, which is intended to be voiced to-morrow, and is hoped to be carried, and for *strengthening this*, in the afternoon *we* are to give in *our demand*, with the reasons thereof, for *removal of Episcopacy out of all his Majesty's dominions*."

"10th March. My Noble Lord,—These are only to shew you, besides my letter yesterday with merchant post, that this day the whole lower House unanimously, but with four or five contrary voices, has declared that bishops should have no civil places. And then again, that they should have no voice in Parliament. The Earl of Cork has proven some foul points of new against the lieutenant.* There is some commissioners come from Ireland with report of * * * or protestations there against the prelates; and at night we gave in our large demand *for unity in religion and government*, all which coming on the King together, and on a suddainty, you *may guess what a mood they would put him in. I wish his confidence of standing out have no ground from some at home*."† We are discharged to give copies out of our long paper against Episcopacy, but receive the other papers with the order of the lower House. Tell this good news to the honest man and good, Mr Hery.‡ Truly, I think them worth

* Strafford.

† Alluding to Montrose and his conservative friends.

‡ Mr Henry Rollock, the minister who took charge of the miracle of Margaret Mitchelson, and who, when desired by the spectators to pray with her, and speak to her, answered that "he durst not do it, as being no good manners in him to speak while his master was speaking in her."—*King's Declaration*, p. 227. The manner in which Johnston speaks of the Almighty in these letters is most impious. Referring to the prospect of the Scotch Commissioners, and the army, being able to leave

praise and prayer from the kirk of Scotland, solemnly, and the more in regard to the *unanimity* beyond many's fears," &c.

" 12th March. If from Newcastle ye [Balmerino] send up any baron with Argyle and Lindsay, whose coming I dare not counsel now till this storm be calmed, it will not be politicly nor safely done to send L[aird] of Keir here to strengthen here Traquair's faction and correspondence with Montrose at home; it were far fitter to send up Sir Thomas Hope, *on whom ye may trust*,* or, if he be delayed now, I could wish, after our articles are ended, to go down with them to the committees, but *really* for to *help to prepare the processes before the Parliament*," &c.†

" 2d April. I request your Lordship (Balmerino) to cause your lawyers be busy for ordering of the processes, both to *think on matters*,‡ on relevancy and on probation. If it be not done, there is none in that committee will be so much blamed, because there is none so much trusted with business of that importance. And, because mercenary advocates are not so dili-

England to keep the Parliament in Scotland, he adds,—" but who knows if God will come in, in the ploy, when we go to end." Again; " but the Lord, who doth his own work in his own way, seems to turn the chase, for yesterday, in the over House," &c.

* This illustrates the narrative of Montrose's bond, namely, " the particular and indirect practising of a few." From Traquair's own account of the matter, to be afterwards laid before the reader, Montrose and he were not in correspondence at this time, though the allegation was made a ground of criminal procedure against them both.

† This, and many other expressions in Johnston's letters prove that he was the life and soul of the processes against the incendiaries, and that, in effecting what even his most factious coadjutors, far less the country, did not feel so interested in as he wished them to be, he had no hesitation in trampling upon every rule of law, and principle of truth, justice and humanity.

‡ *i. e.* To exert their ingenuity to *make* a case against the incendiaries.

gent and studious in public pursuits for the commonwealth as in private processes of well-paying clients, I request your Lordship *to pay them before-hand largely*, and to remember we have to do with a man who will make no conscience, but think it good policy in such a streight, by large *buddes* (bribes) to lay lawyers bye, and cause their servants reveal all the *secretest articles* which are against him. Fye on them that will not be diligent in this. Were not that *I must be one of the primest witnesses in many points laid to his charge*, and so cannot be his *pursuer*, if I were in their case, I would have thought it a notable occasion to *caite* (manifest) both affection to the cause and country. But, however,* if I can win down, I shall do my utmost to *help to prepare things*."

We shall conclude our extracts from the secret letters of this disgusting demagogue, by quoting a scene in which he comes in contact with Charles I. It was more than sufficient penance for all the sins, moral and political, ever proved against that Christian monarch, that he should have to endure for a moment the presence and the insolence of Archibald Johnston.

The following is addressed,—"To my loving brother, Mr Adam Hebrone of Humbie, or to Mr Robert Meldrum in his absence."

"21st April [1641.] Loving brother,—Since my writing my last with this same bearer, and closing it yesternight, I had occasion this morning to speak with M.,† and after, by *his advice*, with the King, to whom

* The force of this "however" is,—'though it should be contrary to all law, and the most essential principles of justice.'

† This cypher stands for the *Marquis of Hamilton*; and this notice

I told my mind freely of the dangers and inconveniences he might draw himself by discussing his actions, and forcing men for their defence to *look over old practiques not so expedient for him,**—*exoneravi animam meam* to him,† and that for others, because, as for myself, I told him that I defied all the world that could lay to my charge any *treasonable intention* against his person and crown,‡ and renewed my offer to go in chains with any answer to Scotland. His mind seems to be on some project here, shortly to break out. He is certainly put upon this to stick on the act of oblivion, both for to save Traquair if he grant it, or to ensnare any English whom he apprehends to have had intelligence with us, if he grant it not. Afternoon we met all with him. He read to us a fair answer anent the Council and Session; and for the rest, told that he had given as fair answers already as he could, and fairer than otherwise he would but *pacis causa.*§ He

of him is not contradictory of the various anecdotes, and universal suspicion of his treasonable double dealing.

* See *ante*, p. 333 and p. 362, where the letter, dated 20th April, is quoted, and fully illustrates the meaning of the above. Sir Thomas Hope had just been quoting an *old practique* from Buchanan, to show that the *King himself* might be tried by the Parliament. Archibald Johnston, too, had *secret stores of old practiques*, and he had the effrontery to tell his Majesty, that if, for the protection of his crown, he took notice of the proceedings or expressions of traitors, they would be compelled, *for their own defence against a charge of high treason*, to grub out a case for democracy, and dethrone him altogether.

† *i. e.* 'I have unburthened my mind to the King. I have been insolent to him, and spoken treason, to my heart's content,—I did so for the protection of Argyle, Sir Thomas Hope, and others,—and for my own, I bullied him with a defiance to accuse me of treason, and send me in chains to Scotland, which I knew he dared not attempt, and that I was safe enough though he had.'

‡ Yet in the progress of these events, Charles lost his crown and his head,—and Archibald Johnston sat as a peer in Cromwell's Parliament —and was hanged for high treason.

§ *i. e.* 'I have yielded, to your insatiable demands against my prero-

told that he himself would get us much of *our money*,* and security for the rest, if the Parliament did not presently end our business; that he had thought on ways how to get it, that they professed our business depended on them, (and *some words of that kind*, to make us jealous of them.) He told us if the Parliament of Scotland would prorogue themselves to some diet again, which he is confident they will do, he will assuredly go home himself, and settle the business. He has said this, and sworn it too, unto us, except some impediment occur that he knows not of as yet, that he hopes to get his business ended here. Then he fell on the act of oblivion. We read the information which I sent to you within a letter to Mr Alexander Colvin. He *raged* at it, and called us *jesuitical*; then he cried and swore, that if we excepted [from the act of oblivion] any, he would except some also; and this he declared over and over again, and professed his hope that the Parliament would be of the same judgment. We answered in reason from our *inability* to pass from what the Parliament had appointed, and from his granting of the same already in the treaty.† I must

gatives, as much as it is possible to yield, and be a King, and, for the sake, of *preserving the peace of my Realms*, I have yielded more than I ought.'

* Alluding to the demand, made by the Scots Commissioners, of L.300,000 Sterling, to pay them for invading England. What the King said was probably this. 'Is it *your money* that you are so anxious for? My Parliament says that you must depend upon them for it; but if they do not speedily grant it, why, for the sake of peace, I will see what I can do myself. I have no exchequer—my purse is empty—but I have still a little credit left—and have thought on the means. I will get you what I can, and security for the rest—Oh, you shall have *your money*.'

† Yet it appears from Johnston's own letters, that it required both entreaties and threats from himself to the committee in Edinburgh to keep up the virulent feeling and process against Traquair and others called incendiaries.

tell you my mind of all this business. For aught I can learn from any hand, both *this plot* of reserving some of us, and *this plot* of causing the King declare his intention to go home to Scotland, is only to terrify us for to *pass from Traquair*, and is suspected,—I will say no more, nor accuse any man,—to come from some of our own number with Traquair's advice," &c. *

The pointed directions given in this secret correspondence, to have an eye upon Montrose, and to "*think what to do* with some" in Scotland, were not thrown away upon the clique in Edinburgh; and Mr Archibald Johnston had the satisfaction of receiving that letter from Sir Thomas Hope, to which we have elsewhere referred,† and shall now quote from the unpublished original.

"WORTHY BROTHER,

"We had many strange business in hand here, this last week. They began at Mr John Graham, minister of Auchterarder, who was called to give an account of some speeches spoken in that presbytery, and gave Mr Robert Murray for his authority. Mr Robert gave the *Earl of Montrose* for his, and Montrose declared that he had the same partly from Mr John Stewart of Ladywell, and partly from my Lord Lindsay. Mr John Stewart being sent for and examined, made a terrible calumnious relation of some speeches which he alleged

* See Chapter XIV. where the letter from the Napier charter-chest is printed, and proves the nature of Montrose's and Lord Napier's advice to the King at this desperate crisis. The rest of Johnston's letter quoted above is chiefly composed of most violent directions to the Committee not to "harbour so base a thought as to be thus threatened and dung from the Parliament's pursuit of incendiaries."

† See p. 333, where the postscript is quoted.

spoken by the *Earl of Argyle at his expedition in Athol*, of no less moment than the deposing of the King. He confessed he gave a copy of his relation to the Earl of Montrose, and another to Walter Stewart, (*my man*,) to be given to the Earl of Traquair. Walter was happily rancountered, upon Friday, betwixt Cokburn'spath and Haddington, by one was *sent expressly to meet him*, and conveyed to *Balmerino's* lodgings, at nine o'clock at night, where I was the first man that came in after him, about some other business with my Lord. After he denied he had any more papers than were in his cloth-bag, there was a leather bag found in the pannel of his saddle, wherein was a letter *from the King to Montrose*, a letter to himself (Stewart) written from Colonel Cochrane at Newcastle, to London, and a signature of the Chamberlanrie of the Bishop of Dunkeld to Mr John Stewart, with a blank for a pension, but not signed by the King's hand. After many shifts, being convinced by some notes under his own hand, which were found in his pocket, (and which with astonishment he swore he thought had not been in the world,) he *was brought to promise plain dealing*, and deponed, as ye will find in the papers sent to Humby. But I believe he has not *dealt truly* in all the points. Specially I doubt the interpretation of A. B. C., by which he says are meant *the Banders*,* and of the viper in the King's bosom, by which he means Canterbury, which *I believe not.* I will not touch any more of the particulars, because you will find them in the copies of the papers. Mr John Stewart has since confessed his knavery in the general, but has not

* *i. e.* Montrose and those who signed the conservative bond.

yet cleared the particulars.* The point for the which Montrose alleges Lindsay's authority is not yet cleared. It was concerning the *Dictator*, whom he alleges should have been [*i. e.* to have been] *Argyle*, as he then said *positive* in his declaration my Lord Lindsay named him. But since he heard Lindsay, he says he *believes* he did name him, at *the least* he conceives he meant him, and he refers to his oath [whether he did mean him. I think it shall resolve in nothing, or a *very little something*. I believe this business shall prove deeper than yet is found, for *the Lord it seems will have all these ways brought to light*.† I have no other thing, that I remember for the present, which I know you have not heard, and the most part of this, if not all, you will have from others. But a *good tale* twice told is tolerable. I remain, as ever, your real friend to be commanded,

*Edin^r^*, 7 *June* 1641. A. B."‡

* For a good reason,—he had to consider *what particulars* were most likely to save him from the merciless fangs of an Argyle committee.

† These two sentences, which at first sight appear to contradict each other, are very characteristic of a covenanting factionist. They mean that the allegation against *Argyle* would turn out to be no high treason at all, or only a *very little high treason*, but as for the suspicion against *Montrose*, that would be verified in the discovery of a deep plot brought to light by the Lord.

‡ It is remarkable that this letter, fixing so precisely the fact of intercepting the King's messenger to Montrose, should not have been hitherto observed, not even by Lord Hailes when examining the manuscripts of the Advocates' Library in reference to the history of the period. Wodrow, who has preserved it amongst his voluminous manuscript collections, was not aware that the writer was Sir Thomas Hope. He calls it, (in his index to the volume of his MSS. where it occurs) a letter to Wariston from *his brother*, probably because it commences, "worthy brother." But Hope and Johnston were brother lawyers and brother factionists. That Sir Thomas Hope of Kerse was the writer of this letter is sufficiently proved before, p. 334.

CHAPTER XII

THE REASONS OF MONTROSE'S CONSERVATIVE BOND, AND THE GROUNDS OF HIS ALARM FOR THE MONARCHY, ILLUSTRATED FROM ORIGINAL MANUSCRIPTS.

WE must now shift the scene to Scotland, and develope the details of a lawless persecution of Montrose, and other conservative Covenanters there, of which history only affords a partial and inaccurate view. Fortunately it happens, that most of the original papers, relating to the events mentioned in the letter with which our last chapter concludes, have also been preserved among the manuscripts of the Advocates' Library. They have not hitherto been printed, and historians, who slightly notice the extraordinary scenes to which they relate, appear never to have consulted the documents themselves. These shall now be laid before the reader, with the exception only of the antiquated orthography.

"May 27, 1641.—Mr Robert Murray, minister at Methven, being come to Edinburgh upon Wednesday last, at night, upon other occasions, was called off the streets upon Thursday, the 27th day of May, instant, to compear before the Committee of Estates, and having appeared before them, was told by their Lordships, that Mr John Graham, minister of Auchterarder, being examined by their Lordships upon the author of his speeches which he spake before the Presbytery of Auchterarder, gave up the said Mr Robert as his au-

thor. Whereupon Mr Robert posed (questioned) the said Mr John, being present, why he should give him up as author, seeing he was informed by Mr James Forsyth, minister at Monzie, that Mr John had other authors. But the said Mr John refused to condescend upon any other author but the said Mr Robert. Whereupon Mr Robert did desire the Committee to urge Mr John to condescend upon other authors, for he was loath to depone in the business. Whereupon *the Earl of Montrose did urge Mr Robert to declare without more business*, because he knew that he might *soon put it off his hand.* Whereupon Mr Robert answered, 'then it is your Lordship must take it off my hand; therefore, my Lord, tell your part, and I shall tell mine.' But my Lord refused, and desired Mr Robert to declare; and the said Mr Robert being urged of the Lords of the Committee to declare, he desired to see Mr John Graham's declaration, whereof he had made him author. But the Lords of the Committee desired Mr Robert to declare what he spake to Mr John Graham anent the particulars which Mr John was challenged to have spoken in the said Presbytery. Whereupon the said Mr Robert depones,—

"That Mr John Graham came, upon a Sabbath day at night, in February or March last, (as the deponer remembers,) in his own house, with a commission from Montrose, desiring the deponer to meet with his Lordship in Scoon, on Monday at night. The deponer answered, that he would be glad to speak with his Lordship, but he was loath to go to Scoon on the Monday. Therefore Mr John and the deponer went to Perth on Monday, and from thence the said Mr John went himself to the said Earl to meet him coming from Duncrub, to tell his Lordship that the deponer would meet

his Lordship at Perth, or any other place he pleased, but could not go to Scoon that night. And so the said Earl came to Margaret Donaldson's in Perth, where the deponer came to his Lordship, being advertised to come there to his Lordship. At the first meeting with his Lordship, my Lord challenged the deponer for his long absence from him, who excused himself by reason his Lordship was taken up with many others that were in his Lordship's company, and that he was loath to come except to meet his Lordship in private. Thereafter my Lord says to the deponer, '*you were an instrument of bringing me to this cause*, I am calumniated, and slandered as a backslider in this cause, and am desirous to give you and all honest men satisfaction anent my carriage therein.' The deponer then asked his Lordship why he subscribed the bond that was contrary to the Covenant. The Earl answered, it was not contrary to the Covenant, but for the Covenant. The deponer asked the reason, and why it was done in private, seeing any bond that had been for the Covenant might have been avowed. About this time Mr John Robertson, minister at Perth, being sent for by the Earl, came in to them, and then the Earl continuing his discourse in presence of the said Mr John, answered, that they saw some *few particular men taking some particular courses contrary to the cause and Covenant*, and therefore they behoved to strengthen themselves, for the maintenance of the cause and Covenant by that bond. The deponer answered, 'how does that appear?' The Earl answered, 'there were some few upon courses for change of the Government, * for there has been a *motion for deposing of the King*, and next for, *setting up a Dictator*, and, that failing, there was another motion for *setting a General within the country*, as

* *i. e.* The *monarchical* form of government.

there was one without the country; this was left, and another course taken for making a *triumvirate*, one to rule all be-north Forth, and two be-south the Forth.' The deponer answered, 'these things seem very strange, for we have neither heard, thought, nor dreamed of any such thing, and there is no likelihood thereof.' The Earl answered, it was true, and prest the last point, alleging that for doing thereof there was a bond drawn up and *offered to be subscribed*, for establishing a particular man be-north Forth, by which the subjects were to be obliged in fidelity and fealty, and that *the Earl refused to subscribe it, but rather should die or he did it*, which he would prove with sixteen as good as himself. The deponer answered, these things were strange, he could not believe them, because they seemed to be very unlikely. The Earl replied, that he might accuse them, but he would not do it, till first he cleared himself at the Parliament and Assembly. The deponer said, 'you are all agreed now in Edinburgh, and I beseech you may keep unity, for the breach thereof is a mean to do most harm to this cause.' The Earl answered, he should do nothing to prejudice the cause, but maintain the same with life and means. It was asked by the deponer, whether or not, at the meeting of the Parliament in November 1640, it was his Lordship's intention to have the Parliament to sit for reversing the Acts of Parliament made in June last,* or at least to call them in question, that so his Majesty might get a ground to quarrel our Commissioners, anent these acts, who were seeking them to be published in his Majesty's name. The Earl answered, he de-

* This was the Parliament in which Archibald Johnston says, that Montrose disputed against the faction, see p. 362. Having been constrained, however, to subscribe the proceedings of that convention, he appears to have considered himself thereby bound to maintain them as law.

sired the Parliament to have sitten, but not for that end, but only to have added some to the Committee, because *many able men were left out*, who might strengthen the Committee if they were at it. And the Earl, being asked again whether or no he had purpose to question these acts, answered, he had not, *because he had subscribed them*, and would maintain them with his blood. The deponer remembered little more of any thing passed that night, but only that the Earl desired the deponer might go to Scoon that night, who promised to be there to-morrow. On the morrow, being Tuesday, the deponer came to Scoon, and waiting on awhile, in respect the Earl was speaking with the Earl of Athol and Mr John Stewart, some of his friends attending beside, one told the Earl that the deponer was there. So the Earl came himself, and entered on the same discourse that he and the deponer were on before. The deponer showed *that God had put in his heart* a just answer thereto. The Earl repeated what he had said the night before anent the change of Government, whereunto the deponer gave this answer, that, 'howsoever I *believe not* any such motions to have been, yet I think if any such has been, they have been *conditional*, and not absolute, but only *in case of unavoidable extremities*, looking to the weal of the country, and government thereof in cases of necessity, and that their practice proves that it was but conditional, if any such was, because that now, when the King is content to go on with them to the treaty, they go on *sweetly seeking peace*.'*

* This is to say, the revolutionary party of the Scotch Commissioners in London, which was the predominant party, required the King to give up all his royal prerogatives, otherwise Archibald Johnston would ferret out "old practiques," as a ground for taking them. "Dethrone yourself by concessions," was virtually their language, "or we will de-

The Earl answered, it was not conditional, but absolute, and therefore, he said, 'they are seeking conditions contrary to the Covenant, because we have sworn *not to entrench upon the King's prerogative;* likewise they are seeking more than the letter sent to the Earl of Lanerick contains, wherein they had declared they would seek only these articles contained in the said letter,* for now they desire that officers of state, council and session, should be *chosen by the Parliament.*' † Deponer answered, *they are all good things, if they could be obtained,* and that our folks did not stand upon them as (if) they would break the peace if they did not obtain them, and these things being for the good of the commonweal, *licet cuilibet supplicare et mendicare.*‡ The Earl replied, 'they are seeking them absolutely,

throne you by force. How *sweetly they were seeking peace* may be seen from the secret correspondence quoted in the last chapter.

* This refers to the address transmitted to his Majesty (through the Earl of Lanerick, Secretary of State,) from the Covenanting Committee, with the Army at Newcastle, September 8, 1640. It prays, in very humble and loyal terms, 1. That the Acts of the Parliament of June should be ratified by his Majesty. 2. That the strongholds of Scotland should be "furnished, and used for our defence and security." 3. That all Scotchmen "may be free from censure for subscribing the Covenant," &c. 4. "That the common incendiaries, who have been the authors of this combustion in his Majesty's dominions, may receive their *just censure,*" and the rest of the petition regards the act of oblivion and reparation of losses sustained in the war. How far these demands were exceeded, and this temperate tone departed from, may be seen from Archibald Johnston's correspondence.

† Montrose, we thus see, felt at the time how deadly was this blow aimed at the Monarchy; and, after all had passed away, England's most philosophical historian had to record,—"But the most fatal blow given to royal authority, and *what in a manner dethroned the Prince,* was the article, that no member of the Privy-Council, in whose hands, during the King's absence, the whole administration lay, no officer of state, none of the judges, should be appointed, but by advice and approbation of Parliament."—*Hume's Hist.* vi. 427.

‡ They were sturdy beggars, however.

or no peace, in token whereof, the *Commissioners* had written that *their name would stink if they sought them*, and the *committee* had written back, they should not pass from them without their advice.* The deponer answered, that these might well stand with the condition, because if they found they *could not obtain them*, then they would *pass from them*. Then the deponer demanded the Earl how he could think that his bond was for the Covenant, since upon the hearing of it the King had made a halt with the Commissioners of the treaty. The Earl answered, 'the King had got knowledge of the bond by some speeches of the late Lord Boyd, which were reported to the Commissioners, and by them to the English, and so it came to his Majesty's ears.' The Earl was desired to come to his dinner. Then the deponer entreated his Lordship to *unity*.† The Earl answered, he loved unity, and would clear himself before the Parliament and General Assembly. The deponer alleged it would hinder the settling of the common cause. He answered, he should do it in such a way as could not wrong the public, because he would not make his challenge till the public business were settled, and *then he should put it off himself, and lay it on those who had calumniated him*.‡ The deponer declares that the Earl of Montrose named the Earl

* The committee had written back, in terms of Archibald Johnston's secret orders to them, *for instructions*.

† By unity, the Covenanters invariably meant, no opposition to the revolutionary Movement. Thus we learn from Baillie's own confessions, that at the commencement of the business, that Covenanter got the better of his conscience, for the sake of *unity*.

‡ Thus the too open Montrose had prematurely disclosed his whole plan to a creature of the faction, who took good care to prevent its execution.

of Argyle, to be the man who should have the rule over the north, as one of the triumvirate.

" This conference ended, the Earl went to dinner, and the deponer went to Perth, and that same day Mr John Graham came to the deponer and said to him, ' My Lord and you was hot.' The deponer answered, ' I was not hot, but plain,' and that my Lord had taken all well; and the deponer, supposing that Mr John had been acquainted by the Earl with the same things that the Earl had spoken, and likewise thinking that he might have overheard the discourse betwixt the Earl and him, *did tell* * the said Mr John the substance of the conference betwixt the Earl and him, as is before deponed. Further the deponer, being interrogated by the Committee if he remembers the time and persons presenters of the bond about the ruling of north Forth, answers, that he remembers not that any thing was spoken anent the time or persons, but only that the Earl said he could prove it by sixteen as good as himself. And being interrogated what the deponer said to Mr David Drummond, and Mr George Mushet, ministers, with whom Mr John Graham affirmed the deponer spoke, the deponer answers, that the said Mr David and Mr George having heard that he had spoken with the Earl, asked how he was satisfied. The deponer replied, that he *loved not to speak of that purpose*, but, that they might know how he was satisfied, he said, ' I shall *tell you the story*, and judge you yourselves *how I am satisfied*,' and thereafter related to them the sum of the conference above deponed.

* It seems an odd reason for repeating the conference to Mr John Graham, that he *knew it already*. Perhaps it was *in case he did not know it*. Graham stated it to his Presbytery, and thus the whole matter came before the Committee.

Further the deponer, being interrogated if he knew of any other authors of Mr John's speeches than himself, answered, that he had heard, from Mr James Forsyth, that Mr John had said to Mr James, and Mr John Fyfe, minister at Fowles, that there were five gentlemen and a minister whom Mr John could make his authors of his speeches to the Presbytery, and declares that the names of the gentlemen and ministers were not told to the deponer.

"This deposition being read to the deponer, he declares the same to be of verity.

"The last of May 1641. This day the foresaid deposition being again read to the deponer, and he having given his oath, declares the same to be true, and of verity in substance and sense, according to his memory, as he shall answer to God. (Signed) Mr Robert Murray. Sr. A. Gibsone, I. P. D." *

On the same day, Montrose himself was subjected to the interrogatories of this Committee, and his own statements shall now be laid before the reader, from the original manuscript.

"The Earl of Montrose being desired to shew what had passed betwixt his Lordship and Mr Robert Murray, in the speeches had at Perth and Scoon, in the common business, his Lordship told, that he had said to Mr Robert that he was wronged by the *scandal raised upon the bond*, which was not against the Covenant or country. As likewise told Mr Robert that

* *Original MS.*, indorsed, "27 May. Mr Robert Murray, his deposition anent the speeches betwixt the Earl of Montrose and him. Sworn and subscribed last May 1641."

he was told by a very good hand, that there were intentions to *make a Dictator*, which he did not trust, but, being delivered to his Lordship by so good hands, it was incumbent on him to think upon all the ways to preveen such courses. *This was the first reason for subscribing the bond.* A *second* reason was, it was told him there were some bonds offered to be subscribed, some whereof being of different tenors, the intention of all being to tie the subjects in a particular way of subjection to particular persons. A *third* reason was anent an intention for *cantoniug the country*. And the *fourth* reason was a discourse which was told his Lordship, whereby it was related that it was intended, at the sitting of the Parliament *in June last*, to *depose the King*, and, however it was continued (put off) at that time, it would be the first act of the next ensuing session of the Parliament, and that the relator of the discourse told it was resolved by lawyers and divines, that it might be so, and reasons thereof, viz. *venditione*, *desertione*, and *invasione*.* Being asked if his Lordship remembered whether or not he spoke any thing of a triumvirate, answers, he remembers not, but that the country was to be divided and cantoned, which were all one, and (that he) could not remember all things, because they had two hours conference on the Monday at night in Perth, and also being at Scoon on the morn thereafter. Confesses that he named the Earl of Argyle sould be [*i. e.* to be] the man be-north Forth, and that he was the man *sould have spoken* [*i. e.* who had spoken] of deposing the King. Declares that his Lordship is not the author or inventor of these things, but that others are his authors, and that he

* *i. e.* Selling, deserting, or invading the country.

would lay it down at the right door. Being questioned anent the sixteen who were witnesses to it as good as himself, declares his Lordship had said there were some of the particulars to his *own knowledge*, and that there were ten or twelve others who would bear him witness, and that to them all, some one or other would be gotten to take them off his hand, or prove them. The Committee appointed the Earl of Montrose to show his author. Being desired to do it, the Earl of Montrose desired that since the Earl of Argyle was named by him, *which he was forced to do*, (he) might express his knowledge in this business. The Earl of Argyle answered, that he thought it incumbent to him to clear himself, and would do it [imme]di[ately if] the Committee would appoint him. The Earl of Argyle, by his oath *unrequired*, declared that [he had never] heard of such a matter, and would make it good that [the man] who would say that he was the man spoke of deposi[ng the King, or] of his knowledge of these bonds, was a liar and a base * * * * * * .†

"The Earl of Montrose declared that there were four [reasons for the bond he] had spoken of. The *first*, a Dictator, the *second*, four bonds, the *third*, cantoning the country, and the *fourth*, depos[ing the King.] He was loath to speak of the first, because the author

† The manuscript is destroyed by damp in those places where I have conjecturally supplied the vacancies. The last epithet applied by Argyle must be left to the imagination of the reader. The contrast betwixt the coolness and dignity of Montrose, and the violence of Argyle, is characteristic, and reminds us of what Clarendon says of the latter,—"he was a man endued with all the faculties of craft and dissimulation that were necessary to bring great designs to effect, and had, in respect of his estate and authority, a very great interest in Scotland; yet he had no martial qualities, nor the reputation of more courage than *insolent and imperious persons*, whilst they meet with no opposition, are used to have."—*Hist.* v. 92.

thereof [was not] in this town. That, since there was a *necessity*, he *would* declare, but that the author did not speak it *positive*, but only upon [suspi]cion. Declares that the *Lord Lindsay* was the man who told him of the Dictator, and overtopping courses. The circumstance of the discourse was, that when the Roman affairs grew to a low ebb, the Romans thought it fit that all power should be put in one man's person. He will not say that the Lord Lindsay condescended upon the Earl of Argyle's name, but that he condescended on the word Dictator. He cannot condescend upon the time, but that it was *before the army crossed Tweed*; and heard not from any others of the making of a Dictator. The four bonds, some of them were in the Earl of Argyle's own name, and some prest by the Earl himself. Some of the Athol people are informers of these bonds [concerning] the deposing the King, and that the Earl of Argyle discoursed thereof before twenty or thirty gentlemen, and that Inchmartin and Garntully were the hearers of the Earl of Argyle make that discourse, viz., that they were minded, if not at the sitting of the Parliament in June last, to depose the King, that they would do it at the first of the next ensuing Parliament thereafter. The man that told the Earl of Montrose this discourse is Mr John Stewart, son to Mr James Stewart of Ladywell; and that he was the man who told of the four bonds, whereof two of them were in the Earl of Argyle's own name; Lawers, Glenurquhy, and Comrey prest two of them, and Argyle other two of them, when he was upon his voyage to the north. As for the encantoning of the country, Archibald Campbell was present at the time when there was a commission drawn up for the rule be-north Forth, and, because the Earl of Montrose's interest

was in those parts, he was not pleased with it,* and therefore it was written over again; the Earl of Montrose's name was put in it, and a new meeting appointed to treat upon it; and that this was before the Earl of Montrose's voyage to the north in anno [1639?]. Denies, that he knows of any others who sould [be rulers over the] rest of the country, nor ever heard any named.

"After reading of this paper in public, the Earl of Montrose *affirmed that the Lord Lindsay named the Earl of Argyle to be Dictator*, [but that] he did not speak out of spleen to any, but upon respect to the public, and upon jealousies and suspicions for the public liberty.

"The Earl of Montrose remits the tenor of the bond to the Earls of Mar and Cassilis, Archibald Campbell, and Mr Adam Hepburn, and, for what his Lordship remembers, the Earl of Argyle was named in it either absolute General, or General Commander, and that the noblemen were to be of his commitee.† Being posed if his Lordship had any other authors, anent the bonds and deposing the King, than Mr John Stewart, declared he had none other. Being likewise posed if his

* That is to say, we presume, that *Archibald Campbell* was not pleased with it. This Archibald Campbell was brother to Sir James Campbell of Lawers, and a personal friend of Lord Napier's, though the confidential agent of Argyle.

† This means the bond which Archibald Campbell saw drawn up, and which was afterwards offered to Montrose for signature, when he refused, and said he "rather should die or he did." The minister of Perth, Mr John Robertson, was examined by the Committee upon the 12th June 1641. His declaration is substantially the same as Montrose's and Mr Robert Murray's. But he adds,—"that the Earl affirmed that the foresaid bond anent the rule be-north Forth was offered to his Lordship to be subscribed by him at *Chowsly Wood*, before the army crossed Tweed." The army crossed towards the end of August 1640. Argyle at this time was left with an army in Scotland.

Lordship had examined Inchmartin, Garntully, or any other of the witnesses alleged by Mr John Stewart, his Lordship answered, he had not spoken with any of them on that subject.

"This which was written anent the Earl of Montrose, his Lordship's declaration, was read in my Lord's hearing and presence of the committee.

"BALMERINO, I. P. D."*

We have seen, from the private correspondence of Archibald Johnston, that the faction were very much alarmed that impeachments would be directed against themselves when the King should hold his Parliament in Scotland, and there is every reason to believe that Argyle had brought about this collision with Montrose, in order to crush any such attempts in the bud. Montrose, aware of his danger, acted with his usual promptitude and spirit. We now take up the thread of the narrative from Bishop Guthrie and Spalding. Guthrie says—"Lest Montrose's enemies should have dealt with Mr John to withdraw and leave him in the hazard, he posted quickly away some gentlemen to Mr John, with whom he came to Edinburgh upon the 30th of May; and upon the morrow appeared before the Committee, and subscribed a paper *bearing all that Montrose had affirmed in his name.* Whereupon Argyle broke out into a passion, and with great oaths denied the *whole and every part* thereof, whereat *many wondered.*" Spalding thus narrates the result. "Argyle causes charge Mr John Stewart to compear before the Committee to answer for these speeches, who

* *Original MS.* signed by the President, but not by Montrose. It is indorsed "27 May 1641, Earl of Montrose's declaration anent what passed betwixt his Lordship and Mr Robert Murray."

indeed obeyed the charge, and compeared, and did abide by the speeches, saying to Argyle, *My Lord, I heard you speak these words in Athol, in presence of a great many people, whereof you are in good memory.* Argyle answers, saying, while he was in Athol he found the Stewarts there against the subscribing of the Covenant, to whom he said, this covenant was not against the King, but for Religion and Liberties of the kingdom, and if they would not subscribe the same, it might breed themselves both peril and skaith; for if the body of the country would not go one way, but be divided against themselves, it were an highway to bring in the Englishman into the land, to dethrone the King, and bring the nobles under servitude and slavery. This he remembered to have said, but denied any further."

However apt the covenanting committee were to adopt rumours and private conversations as grounds of criminal process against any who opposed them, and although their articles of war made it death to speak against the King or his authority, their inquisitorial rigour seems not for an instant to have been directed against Argyle. No sooner, however, had John Stewart put his hand to the information he gave Montrose, than he, Stewart, was sent to prison. There we must leave that unfortunate gentleman until we develope another scene in this drama of covenanting justice.

Lord Lindsay was placed in an awkward predicament. Montrose had affirmed that he named the Earl of Argyle as the person who was to be Dictator, and Argyle had volunteered his great oath that all this was a foul calumny. The covenanting committee were perplexed and annoyed, for Lindsay was a leader of the faction.* Yet Montrose was not to be easily discredited;

* This was John tenth Lord Lindsay of Byres. His patent as Earl

and hitherto he had proved his declaration to be true. It was not for *the King's* interest that the matter was taken up, but purely for the sake of Argyle, and most probably at his instance. He was to be cleared, therefore, at all hazards, before his Majesty should arrive in Scotland; and it remained for Lindsay to extricate himself and the faction from the scandal in question. How this was effected, will be best told by the original manuscripts.

"4th June 1641. In presence of the Committee. The Lord Lindsay desired to know if the Committee had *any thing to speak to his Lordship*, because he was to go to Newcastle. Whereupon the question *fell in* anent the speeches related by the Earl of Montrose, to have been spoken by him concerning a Dictator, whether the Lord Lindsay should answer to that, or if it were such a matter as merits to be agitated.* The Lord Lindsay desired to know what was spoken by the Earl of Montrose which reflected upon him, before any thing was done. Accordingly whereunto the paper was read and delivered to him, that he might consider thereof. After consideration whereof, the Lord Lindsay desired to know whether or not the Earl of Montrose had any more to *lay to his charge*.† The Earl Montrose answered, that this was the substance thereof, and that the Lord Lindsay's discourse

of Lindsay was made out for him in 1633, but withheld in consequence of his joining the Rothes and Balmerino faction. He obtained it, however, in 1641, when Charles was reduced to reward his enemies. He also obtained the earldom of Crawford, upon the forfeiture of Ludovick Earl of Crawford, and was designed Earl of Lindsay and Crawford.

* The committee were not so scrupulous about agitating the matter of *Montrose's* conversation.

† Montrose had made no charge against Lindsay. All that he said was forced from him by the Committee.

inferred as much as the Earl of Argyle was the man meant by (him;) but because, in the circumstance of the discourse, there may be other men concerned whom the Earl Montrose was loath to name, he desired not to speak any further in it. *

"The Earl of Montrose declared that the Lord Lindsay, [he Montrose] falling with him upon a regret of the course of business in this country, and that some were crying up the Earl of Argyle too much, whereupon the Lord Lindsay answered, that such a man speaking to the same purpose, told that the Romans, when their affairs were at a low ebb, made choice of one to be a Dictator, that the command should be in one man's person, such a man as had following and power, and to his Lordship's memory the Lord Lindsay named the Earl of Argyle to be the man pointed at, and that the discourse inferred so much; and withal *entreated the Lord Lindsay would not think any thing of it,* because it was but upon suspicions and jealousies.

"The Lord Lindsay asked the Earl of Montrose, whether or not he said there was any such intention to make a Dictator, who answered, that he does not say that the Lord Lindsay said it *positive,* but *recitative,* or by inference.

"The Earl Montrose and Lord Lindsay being removed, the Earl of Argyle desired to speak, who told, that since his Lordship's name was mentioned in the same, he *desired* that he might *be made clear* of any thing may reflect upon him; and, next, he thought it fittest that each of the noblemen should set down the discourse (that) passed, and then the Committee might

* Montrose, however, proceeds in his declaration, probably from having been urged.

take the same to consideration, whether these discourses were *worthy a further hearing*. Which the Committee taking to consideration, found that the same *did no ways concern the Earl of Argyle*, since none of them had said that the Earl of Argyle had any such intention, or was accessary to any such motion, and thought the last part most fit; and therefore the Committee appointed the Earl of Cassilis, Lords Balmerino and Napier, to take before them declarations apart, and to study to accommodate and reconcile their declarations, * if possibly they can, and to report to the Committee, that they may take notice of the difference, if any shall be, and to advise whether the matter *deserves* a further consideration or not, that the public scandal may be removed.

" Sr A. Gibsone, I. P. D."

Before the three noblemen named above, Montrose deponed as follows:

"4th June 1641. The Earl of Montrose declares, that the Lord Lindsay, [he Montrose] falling with him upon a regret of the course of business in this country, and that some were crying up the Earl of Argyle too much, whereupon the Lord Lindsay answered, that such a man, speaking to the same purpose, told that the Romans, when their affairs were at a low ebb, or in distress, they made choice of one to be a Dictator, that the command might be in one man's person, such a one as had command, and power, and following; and declares,

* It was probably with this view that Lord Napier's assistance was here required. The committee were obviously much alarmed for Lindsay's position in this matter. Montrose they were thirsting to destroy.

that, to his *best memory*, the Lord Lindsay named the Earl of Argyle to be the man pointed at; but howsoever, the whole drift of the discourse did infer so much, as the Earl of Montrose did conceive the same."*

Lord Lindsay's declaration appears to have been as follows:

"4th June 1641. The Lord Lindsay declares, that at Edinburgh, in a discourse betwixt the Earl of Montrose and him, the Earl of Montrose asked how business went. For answer whereunto, the Lord Lindsay said, he had entered upon no business since he came, nor had not spoke with any particulars since his Lordship's coming to Edinburgh; but did relate some discourse made to him by some persons, which was in substance as follows. One grief was a regret of the divisions and jealousies of this country; another was that it was a pity that we who are Christian, and have not only our liberties, lands, wives and children, but also our religion in question, cannot agree amongst ourselves, whilst the Romans, who are but Ethnic, when their affairs came in hazard, they would agree among themselves, and so far yield one to another, that they would make one of themselves to be Dictator, to have the sole power over them; yea, private enemies, when they were employed in public affairs, did lay down their private quarrels, and join in hearty union so long as the public was in question. And declares that neither the man, who made this discourse, named the Earl of Argyle, or any other man; neither does the deponer remember that ever he named the Earl of Argyle, or

* *Original MS.* Signed, "Montrose.—Cassilis, Balmerino, Naper."

meant that there was any intention to make the Earl of Argyle or any other, Dictator at all; and remembers that in a discourse either at that time, or at some other time, the Earl of Montrose asking if the deponer knew that the Earl of Argyle was to have any preferment, answered that he knew not of any, but that there was a great esteem had of him in the country."*

These declarations are dated the 4th of June, and it will be remembered that Sir Thomes Hope, in his letter to Archibald Johnston, dated the 7th, says—"The point for the which Montrose alleges Lindsay's authority is not yet cleared,"—yet, of that same date, the following judgment on the matter was pronounced by the Commttee of Estates (to whom Cassilis, Balmerino, and Napier, had reported the declarations,) as appears by the original manuscript.

"At Edinburgh, 7th June 1641. The Committee having considered the Earl of Montrose, and the Lord Lindsay, their declarations, &c. and having compared them together, find, that *as it is possible* the Earl of Montrose has mistaken the Lord Lindsay's expression, so they find by the words which the Lord Lindsay remembers, and has set down under his hand, that there was *no ground for the said misconception.*

"Sr A. Gibsone, I. P. D."†

* The above is from what appears to be the original draft of Lindsay's declaration, very much corrected, but not signed by any one. I cannot discover any other.

† *Original MS.* It is remarkable that Sir Thomas Hope's conversation at Newcastle, Lord Lindsay's conversation with Montrose, and Argyle's conversation in his tent at the ford of Lyon, all of obvious application to *deposing Charles*, were all excused on the same plea, namely, as having been a *general* discourse not intending the *particular application*.

CHAPTER XIII.

IN WHICH MONTROSE SPEAKS FOR HIMSELF.

THE original documents contained in the last three chapters were unknown to Clarendon and Hume. Consequently these great historians had not the means of protecting Montrose against the calumnies of subsequent writers, who, in equal ignorance of the details now disclosed, have assumed to his prejudice a very different theory, from what is suggested by these documents, of the motives and circumstances which influenced his defection from the Covenanters. The secret correspondence, in 1640–41, betwixt the Procurator of the Church, and the clique (for it was no more) of covenanting lords, lairds, and lawyers, who held sway in Edinburgh under the command of Argyle, together with the private records of their inquisitorial examinations, tell thus much of the story so minutely and curiously, and bring so completely under our view the *dramatis personæ* of that hitherto darkling chapter of Montrose's career, that instead of weaving a narrative from such materials, and consigning the graphic originals to the obscurity of an appendix, I have thought it best to give them verbatim in the text. Indeed it is the principal plan and object, throughout these Illustrations of Montrose and the Covenanters, to produce the hitherto hidden details and narrative, contained in the private records of the Covenanting Government, in

reply to those pages of democrative history in which the alleged unprincipled tergiversation, blood-thirsty policy, and selfish ambition of Montrose, form a prominent and favourite theme. Even so far as we have gone, the documents produced suggest a very different idea of the merits of Montrose's political motives and conduct. They open up and lay bare to a considerable extent the private proceedings, and even the secret springs of action, which brought on the first scene of that crisis in which it was the object of Montrose to save the monarchy, and the object of the dominant party in Scotland to destroy both that and Montrose, ere they should lose their power. Mr Brodie, in his History of the British Empire, has recorded that Montrose was "bloated with iniquity." This author perils his severe sentence upon his own views, and his own version, of Montrose's early career, and of "the Plot" and "the Incident," mysterious events which grew out of the crisis now illustrated. Other original documents, fully developing the history and secret machinery of those events also, and in like manner telling their own story minutely and graphically, shall be presently disclosed. Here we may pause for a moment upon Montrose's position with the Covenanters in 1641, before producing a very interesting illustration of his principles and accomplishments, and one in which he will be found to speak nobly for himself against the modern assertion, that, in his first adherence to the Covenant, and subsequent opposition to the Movement, which made that Covenant its excuse, he had become bloated with iniquity.

A few years of great excitement had passed betwixt the commencement of Montrose's covenanting career

and his present critical position. We have seen how, at the close of the year 1637, he was persuaded, by Rothes and his clerical agitators, to take a public and prominent part against the policy of Laud. In the year 1638, we find him conspicuous in the memorable Assembly which destroyed the hierarchy, and usurped the functions of Government in Scotland. The year 1639 discovers Montrose at the head of a convenanting force, opposed in arms to the anti-covenanters in Scotland, carried by the military excitement so congenial to his disposition, but, withal, merciful in his use of fire and sword against his loyal countrymen, even to a degree that called forth the murmurs and disapprobation of the most conscientious, civilized, and accomplished of the covenanting clergy. The anti-monarchical propositions pressed in the General Assembly held that same year, immediately after the treaty of Berwick, seem first to have awakened Montrose to the important question, what was to be the limit of this revolution in Scotland, and where the precise point at which covenanting demands were to cease, and the spirit of loyalty and obedience to the monarchical government, to revive. Accordingly, in this Assembly, Montrose argued against the new impetus, proposed in the demands that the most important prerogatives of the Crown should be transferred to the Parliament. From the principle of this opposition he never swerved. Archibald Johnston himself tells us that, in the Parliament of 1640,—"Montrose did dispute against Argyle, Rothes, Balmerino, and myself; because some urged, that, as long as we had a King, we could not sit without him; and it was answered, that to do the less was more lawful than to do the greater." In that same year, Montrose

accompanied the covenanting army across the borders, but with the determination,—as slenderly concealed from the leaders of the Movement as their ultimate objects were from him,—that with his concurrence and consent the Throne should not be assailed. Immediately followed those corroborations of his worst suspicions, which came to him in the manner disclosed in the manuscripts containing the details of his conferences with the minister of Methven, and his conversation with the Lord Lindsay.

This period of Montrose's public career only brings him to the twenty-ninth year of his age, and had the change, which now came o'er the spirit of his dream, no better foundation than the caprice and inconsistency of an ardent youth, even then the circumstances of his early career could not be fairly brought under the category of political iniquity. But it is impossible, we think, to peruse the contemporary records now produced, without being persuaded that Montrose was conscientiously justified in all he did, and all he wished to do, for the safety of the Throne, at the crisis in question. It was David Hume who said of him that,—"Something, however, of the vast and unbounded characterized his actions and deportment, and it was merely by an heroic effort of duty that he brought his mind, impatient of superiority, and even of equality, to pay such unlimited submission to the will of his Sovereign." * But had our great historian seen the documents we have quoted, and those we are about to quote, perhaps he would have said that extreme loyalty, and even a romantic idea of monarchical government, characterized Montrose, and that

* History of England, vii. 182.

only by an heroic effort, of what he conceived to be his duty to his country, was he, for a time, placed in opposition to the measures of the Court. The circumstances of Montrose's education, hitherto unknown, also afford an explanation, of these different phases of his career, that tends to redeem them from the charge of mere caprice and selfishness.

With a very few alarmists of the year 1637, zeal for the Covenant had been untainted by one anti-monarchical feeling, and the dismay of such, on discovering their error, may be better understood than described. Of this number was Lord Napier. That excellent and pious nobleman had been reared by his father, the great anti-papistical writer of his day, (who considered his immortal discovery of the Logarithms as nothing in comparison with his exposition of the Apocalypse,) in all due abhorrence of the Pope, and perhaps in more than due dislike of prelatic dignity and power,* but at the same time so loyally as to be consigned while yet a youth into the hands of James VI., who, on his deathbed, recommended him to "baby Charles," as one "free of partiality or any factious humour." And accordingly we find that Napier, both before and after the excited period when he too joined in covenant with a masked faction, was busied with his favourite subject, and one which we are now apt to consider as the very antipodes of covenanting politics, namely, "elaborate discourses" to prove the *divine right of kings*. Montrose, again, was educated

* See Lord Napier's views on the subject of prelatic power, in his MS. quoted in our Introduction, p. 67. Montrose's opposition had clearly commenced on the same grounds. "Bishops, I care not for them. I never intended to advance their interest,"—he declared before his death. —See Vol. ii. p. 539.

under the superintendence of this philosophical and speculative nobleman, and, obviously from that source, had deeply imbibed the same exalted, it may be impracticable, theories of Monarchy—theories which neither had Montrose, in all his covenanting excitement, ever dreamt of practically impugning. But when Napier and Montrose discovered the anti-monarchical and destructive tendency of the Movement, they instantly endeavoured to rectify their false position by, as it proved, the vain and dangerous expedient of a private association in defence of the Throne. Hence arose the few Conservatives of 1640–1, by which we mean not the loyalists, who, like Huntly and the memorable barons of the north, were always inimical to the Covenant, nor yet the well-meaning bewildered waverers of the Scotch aristocracy, but those few conscientious patriots, who, having zealously joined in a Covenant teeming with holy and loyal *professions*, did, when they discovered its practical working, turn from it with disgust, and earnestly struggled to save the King.

But, on the subject of the political principles by which Montrose was actuated, he shall be allowed to speak for himself. The following letter has never been published or noticed before. Yet, whether well founded or not in its uncompromising estimate of the divine right of kings, that letter affords an unequivocal specimen of lofty principles and generous feelings, historical learning, and classic taste. It appears to have been written during the treaty of London, in 1640–1, at the very period of Archibald Johnston's secret correspondence, disclosed in a former chapter.

"NOBLE SIR,

"In the letter you did me the honour to send me, you move a question in *two words*, to give a satisfactory answer to which requires works and volumes, not letters. Besides, the matter is of so sublime and transcendant a nature as is above my reach, and not fit for subjects to meddle with, if it were not to do right to sovereign power, in a time when *so much is said and done to the disgrace and derogation of it.* Nevertheless, to obey your desire, I will deliver my opinion, first concerning the nature, essential parts, and practice of the supreme power in government of all sorts. Secondly, I will shew wherein the strength and weakness thereof consists, and the effects of both. Thirdly, I will answer some arguments and false positions maintained by the impugners of royal power, and that without partiality, and as briefly as I can.

"Civil societies, so pleasing to Almighty God, cannot subsist without government, nor government without a sovereign power, to force obedience to laws and just commands, to dispose and direct private endeavours to public ends, and to unite and incorporate the several members into one body politic, that with joint endeavours and abilities they may the better advance the public good. This sovereignty is a *power over the people*, above which power there is none upon earth, whose acts cannot be rescinded by any other, instituted by God, for his glory and the temporal and eternal happiness of men. This is it that is recorded so oft, by the wisdom of antient times, to be sacred and inviolable—the truest image and representation of the power of Almighty God upon earth—not to be bounded, disputed, meddled with at all by subjects, who can never handle it, though never so warily, but it is thereby wounded, and the

public peace disturbed. Yet it is limited by the laws of God and nature, and some laws of nations, and by the fundamental laws of the country, which are those upon which sovereign power itself resteth, in prejudice of which a King can do nothing, and those also which secure to the good subject his honour, his life, and the property of his goods. This power, (not speaking of those who are Kings in name only, and in effect, but *Principes Nobilitatis* or *Duces Belli*, nor of the arbitrary and despotic power, where one is head and all the rest slaves, but of that which is *sovereign over free subjects*,) is still one and the same, in points essential, wherever it be, whether in the person of a *monarch*, or in a *few principal men*, or in the *Estates of the people*. The essential points of sovereignty are these:—To make laws, to create principal officers, to make peace and war, to give grace to men condemned by law, and to be the last to whom appellation is made. There be others, too, which are comprehended in those set down, but because majesty doeth not so clearly shine in them they are here omitted. These set down are inalienable, indivisible, incommunicable, and belong to the sovereign power primitively in all sorts of governments. They cannot subsist in a body composed of individuities; and if they be divided amongst several bodies, there is no government (as if there were many kings in one kingdom there should be none at all,) for whosoever should have one of these, were able to erase their proceedings who have all the rest; for the having them *negative* and *prohibitive* in that part to him belonging, might render the acts of all the others invalid, and there would be a superiority to the supreme, and an equality to the sovereign power, which cannot fall

in any man's conceit that hath common sense; in speech it is incongruity, and to attempt it in act is pernicious.

"Having in some measure expressed the nature of supreme power, it shall be better known by the actual practice of all nations, in all the several sorts of government, as well Republics as Monarchies.

"The people of ROME, (who were masters of policy, and war too, and to this day are made patterns of both,) being an *Estate popular*, did exercise without controulment or opposition all the fore-named points essential to supreme power. No law was made but by the people; and though the Senate did propone and advise a law to be made, it was the people that gave it sanction, and it received the force of law from their command and authority, as may appear by the respective phrases of the propounder,—*quod faustum felixque sit, vobis populoque Romano velitis jubeatis.* The people used these imperative words, *esto sunto;* and if it were refused, the Tribune of the people expressed it with a *veto.* The propounder or adviser of the law was said *rogare legem,* and the people *jubere legem.* The election of officers was only made by the people, as appears by the ambitious buying and begging of suffrages, so frequent among them upon the occasions. War and peace was ever concluded by them, and never denounced but by their *Feciales* with commission from them. They, only, gave grace and pardon, and for the last refuge, delinquents, and they who were wronged by the sentence of judges and officers, *provocabant ad populum.*

"So it was in ATHENS, and to this day among the SWISSERS and GRISSONS, the Estate of HOLLAND, and all Estates popular. In VENICE, which is a *pure Aristocracy,* laws, war, peace, election of officers, pardon

and appellation are all concluded and done in *concíglio maggióre*, which consists of principal men who have the sovereignty. As for the *pregádi*, and *concíglio di diéci*, they were but officers and executors of their power, and the Duke is nothing but the *idol* to whom ceremonies and compliments are addressed, without the least part of sovereignty. So it was in SPARTA, so it is in LUCCA, GENOA, and RAGUSA, and all other Aristocracies, and, indeed, cannot be otherwise without the subversion of the present government.

"If, then, the lords in Republics have that power essential to sovereignty, by what reason can it be denied to a prince in whose person only and primitively resteth the sovereign power, and from whom all lawful subaltren power, as from the fountain, is derived?

"This power is strong and durable when it is temperate, and it is temperate when it is possessed, (with the essential parts foresaid) with moderation, and limitation by the laws of God, of nature, and the fundamental laws of the country. It is weak when it is restrained of these essential parts, and it is weak also when it is extended beyond the laws whereby it is bounded; which could never be any time endured by the people of the western part of the world, and by those of Scotland as little as any. For that which Galba said of his Romans is the humour of them all, *nec totam libertatem nec totam servitutem pati possunt* but a temper of both. Unwise princes endeavour the extension of it,—rebellious and turbulent subjects the restraint. Wise princes use it moderately, but most desire to extend it, and that humour is *fomented by advice of courtiers and bad councillors*, who are of a hasty ambition, and cannot abide the slow progress of riches and preferments in a temperate government

They persuade the arbitrary with reflexion on their own ends, knowing that the exercise thereof shall be put upon them, whereby they shall be able quickly to compass their ends, robbing thereby the people of their wealth, the King of the people's love due to him, and of the honour and reputation of wisdom.* The effects of a moderate government are religion, justice, and peace,—flourishing love of the subjects towards their prince in whose hearts he reigns,—durableness and strength against foreign invasions and intestine sedition,—happiness and security to King and people. The effect of a prince's power too far extended is tyranny, from the King if he be ill, if he be good, tyranny or a fear of it from them to whom he hath intrusted the managing of public affairs. The effect of the royal power restrained is the oppression and tyranny of subjects—*the most fierce, insatiable, and insupportable tyranny in the world*—where every man of power oppresseth his neighbour, without any hope of redress from a prince despoiled of his power to punish oppressors. The people under an extended power are miserable, but most miserable under the restrained power. The effects of the former may be cured by good advice, satiety in the Prince, or fear of infamy, or the pains of writers, or by some event which may bring a prince to the sense of his errors, and when nothing else can do it, seeing the prince is mortal, patience in the subject is a sovereign and dangerless remedy, who in wisdom and duty is obliged to tollerate the vices of his prince, as they do storms and tempests, and other natural evils which are

* When Montrose and Napier were Covenanters, they considered that, in opposing the measures of the Court, they were defending Scotland, not against the encroachments of the Sovereign, but against the purely selfish designs of Laud and Hamilton.

compensated with better times succeeding. It had been better for Germany to have endured the encroachments of Ferdinand, and after his death rectified them, before they had made a new election, than to have brought it to desolation, and shed so much Christian blood by unseasonable remedies and opposition. But when a King's lawful power is restrained, the politic body is in such desperate estate that it can neither endure the disease nor the remedy which is force only. For princes lawful power is only restrained by violence, and never repaired but by violence on the other side, which can produce nothing but ruin to prince or people, or rather to both. Patience in the subject is the best remedy against the effects of a prince's power too far extended, but when it is too far restrained, patience, in the prince, is so far from being a remedy that it formeth and increaseth the disease, for patience, tract of time, and *possession*, makes that which was at first robbery, by a body that never dies, at last a *good title*, and so the government comes at last to be changed. To procure a temperate and moderate government, there is much in the King and not a little in the people, for, let a prince never command so well, if there be not a correspondent obedience there is no temper. It is *not* the people's part, towards that end, to take upon them to limit and circumscribe royal power—it is Jupiter's thunder which never subject handled well yet—*not* to determine what is due to a prince, what to his people. It requires more than human sufficiency to go so even a way betwixt the Prince's prerogative, and the subjects' privilege, as to content both, or be just in itself, for they can never agree upon the matter, and where it hath been attempted, as in some places it hath, the sword did ever determine the question, *which is to be avoided*

*by all possible means.** But there is a fair and justifiable way for subjects to procure a moderate government, incumbent to them in duty, which is to *endeavour the security of Religion and just Liberties*, (the matter on which the exorbitancy of a prince's power doth work) which being secured, his power must needs be temperate and run in the even channel. 'But,' it may be demanded, 'how shall the people's *just* liberties be preserved if they be not known, and how known if they be not determined to be such?' It is answered, the *laws contain them*, and the Parliaments (which ever have been the bulwarks of subjects' liberties in monarchies) may advise new laws, against emergent occasions which prejudge their liberties; and so leave it to occasion, and not prevent it by foolish haste in Parliaments, which breeds contention, and disturbance to the quiet of the state. And if Parliaments be frequent, and *rightly constituted*, what *favourite councillor or statesman dare misinform or mislead a King* to the prejudice of a subject's liberty, knowing he must answer it upon the peril of his head and estate at the next ensuing Parliament,†

* Even temperate historians have indulged in the gross calumny, that "Montrose was unconscious that humanity is the most distinguished attribute of an heroical character." *Malcolm Laing.* We believe that Montrose uttered no more than the truth of himself, when he said—in expressions we here anticipate from an unpublished manuscript of his conversation with his clerical murderers on the eve of his execution—"I did all that lay in me to keep my soldiers back from spoiling and plundering the country; and for bloodshed, if it could have been thereby prevented, I would rather it had all come out of my own veins." Mr Brodie, indeed, in a page so calumniously violent as to discredit history, (Vol. iv. p. 271,) is pleased to speak of Montrose's "*terrible vengeance* on Aberdeen for refusing the Covenant," totally oblivious that his own favourite contemporary authority, Baillie, in reference to the very expedition, says, "the *discretion* [*i. e.* humanity] of that *generous* and noble youth *was but too great.*"

† This clause has clearly a reference to the constitution and proceed-

and that he shall put the King to an hard choice for him, either to abandon him to justice, or by protecting him displease the estates of his kingdom; and if the King should be so ill advised as to protect him, yet he doth not escape punishment that is branded with a mark of public infamy, declared enemy to the state, and incapable of any good amongst them.

"The perpetual cause of the controversies, between the prince and his subjects, is the ambitious designs of *rule* in *great men*, veiled under the *specious pretext* of Religion and the subjects' Liberties, seconded with the arguments and false positions of *seditious preachers*, 1st, that the King is ordained for the people, and the end is more noble than the mean; 2d, that the constituter is superior to the constituent; 3d, that the King and people are two contraries, like the two scales of a balance, when the one goes up the other goes down; 4th, that the prince's prerogative, and the people's privilege are incompatible; 5th, what power is taken from the King is added to the Estates of the people. This is the language of the *spirits of division that walk betwixt the King and his people*,* to separate them whom God hath conjoined, (which must not pass without some answer,) to slide upon which sandy grounds these giants, who war against the gods, have builded their Babel.

"To the 1st: It is true that the true and utmost *ends* of men's actions (which is the glory of God and

ings of the lawless conventions of the Scots Parliament in 1639 and 1640, when Montrose argued against Argyle, Rothes, Balmerino, and Archibald Johnston, and he seems to point at the *favourite* Hamilton, whom as well as Argyle, Montrose indicated an intention of impeaching in the Parliament of 1641, in presence of the King himself.

* It is interesting to observe that these remarkable expressions also occur in Lord Napier's manuscript, quoted in our Introductory Chapter, p. 70.

felicity of men) are to be preferred to all *means* directed thereunto. But there is not that order of dignity among the means themselves, or mid instruments compounded together. If it were so, and a man appointed to keep sheep, or a nobleman to be tutor-in-law to a pupil of meaner quality, the sheep should be preferred to the man, and the pupil to his tutor. To the 2d: He that constituteth so as he still retaineth the power to reverse his constitution, is superior to the constituted in *that* respect; but if his donation and constitution is absolute and without condition, devolving all his power in the person constituted, and his successors, what before was voluntary becomes necessary. It is voluntary to a woman to chuse such an one for her husband, and to a people what king they will at first; both being once done, neither can the woman nor the people free themselves, from obedience and subjection to the husband and the prince, when they please. To the 3d: In a politic consideration, the King and his people are not two, but one body politic, whereof the King is the head; and so far are they from contrariety, and opposite motions, that there is nothing good or ill for the one which is not just so for the other;* if their ends and endeavours be divers, and never so little eccentric, either that king inclineth to tyranny, or that people to disloyalty,—if they be contrary, it is mere tyranny or mere disloyalty. To the 4th: The King's prerogative and the subjects' privilege are so far from incompatibility, that the one can never stand unless supported by the other. For the Sovereign being strong, and in full possession of his lawful power and prerogative, is able to protect his subjects from oppression, and maintain their liberties entire, otherwise, not. On

* See Introductory Chapter, p. 70.

the other side, a people, enjoying freely their just liberties and privileges, maintaineth the prince's honour and prerogative out of the great affection they carry towards him, which is the greatest strength against foreign invasion, or intestine insurrection, that a prince can possibly be possessed with. To the 5th: It is a mere fallacy, for what is *essential* to one thing cannot be given to another. The eye may lose its sight, the ear its hearing, but can never be given to the hand, or foot, or any other member; and as the head of the natural body may be deprived of *invention, judgment,* or *memory,* and the rest of the members receive no part thereof, so subjects, not being capable of the essential parts of government properly and primitively belonging to the Prince, being taken from him, they can never be imparted to them, without change of the [monarchical] government, and the *essence and being of the same.* When a King is restrained from the lawful use of his power, and subjects can make no use of it, as *under a King* they cannot, what can follow but a subversion of government,—anarchy and confusion?

"Now, to any man that understands these things only, the *proceedings of these times* may seem strange, and he may expostulate with us thus: 'Noblemen and gentlemen of good quality what do you mean? Will you teach the people to put down the Lord's anointed, and lay violent hands on his authority to whom both you and they owe subjection, and assistance with your goods, lives, and fortunes, by all the laws of God and man? Do ye think to stand and domineer over the people, in an *aristocratic* way,—the people who owe you small or no obligation? It is you, *under your natural prince,* that get all employment pregnant of honour or profit, in peace or war. You are the subjects of his libera-

lity; your houses decayed, either by merit or his grace and favour are repaired, without which you fall in contempt; the people, jealous of their liberty, when ye deserve best, to shelter themselves, will make you *shorter by the head*, or serve you with an ostracism. If their *first act be against kingly power, their next act will be against you;* for if the people be of a fierce nature, they will cut your throats, (as the Switzers did of old), you shall be contemptible, (as some of antient houses are in Holland, their very burgomaster is the better man;) your honours—life—fortunes stand at the discretion of a *seditious preacher*. And you, ye meaner people of Scotland, who are not capable of a republic, for many grave reasons, why are you induced by specious pretexts, to your own heavy prejudice and detriment, to be instruments of other's ambition? Do ye not know, when the monarchical government is shaken, the great ones strive for the garland with your blood and your fortunes? whereby you gain nothing, but, instead of a race of kings who have governed you two thousand years with peace and justice, and have preserved your liberties against all domineering nations, shall purchase to yourselves *vultures and tigers* to reign over your posterity, and yourselves shall endure all those miseries, massacres, and proscriptions of the triumvirate of Rome,—the kingdom fall again into the hands of *one*, who of necessity must, and for reason of state will, tyrannize over you. For kingdoms acquired by blood and violence are by the same means entertained. And you great men, (if any such be among you so blinded with ambition), *who aim so high as the crown*, do you think we are so far degenerate from the virtue, valour, and fidelity to our true and lawful Sovereign,

so constantly entertained by our ancestors, as to suffer you, with *all your policy*, to reign over us? Take heed you be not Æsop's dog, and lose the cheese for the shadow in the well. * And thou *seditious preacher*, who studies to put the sovereignty in the people's hands for *thy own ambitious ends*, as being able, by thy wicked eloquence and *hypocrisy*, to infuse into them what thou pleasest, know this, that this people is more incapable of sovereignty than any other known: Thou art abused like a pedant by the nimble-witted noblemen,—go, go along with *them* to shake the present government,†—not for *thy ends* to possess the *people* with it,—but like (as) a cunning tennis-player lets the ball go to the wall, where it *cannot stay*, that he may take it at the bound with more ease.'‡

" And whereas a durable peace with England (which is the wish and desire of all honest men) is pretended, surely it is a great solecism in us to aim at an end of peace with them, and overthrow the only means for that end. It is the King's Majesty's sovereignty over both that unites us in affection, and is only able to reconcile questions among us when they fall. To endeavour the dissolution of that bond of our union, is nowise to establish a durable peace, § but rather to procure enmity and war betwixt bordering nations, where occasions of quarrel are never wanting, nor men ever ready to take hold of them.

* Montrose was right. Hamilton and Argyle were both sneaking after the crown of Scotland, and both were made " shorter by the head," as well as their King.

† Meaning the *monarchical* form of government.

‡ It was Cromwell who " took it at the bound."

§ How the democratic portion of the Scotch Commissioners, for the Treaty of London 1640–1, were endeavouring to destroy the prerogatives of the King, has been already illustrated in the chapter of Archibald Johnston's Secret Correspondence.

"Now, Sir, you have my opinion concerning your desire, and that which I esteem truth set down nakedly for your use, not adorned for public view. And if zeal for my Sovereign, and Country, have transported me a little too far, I hope you will excuse the errors proceeding from so good a cause of

Your humble servant,

"MONTROSE."

This is a remarkable letter to have been written by one recorded in our modern histories as "destitute of either public or private principle."* If the sentiments of Montrose, at that critical period before the King's visit to Scotland in 1641, were such as are recorded in the foregoing private letter, can it be true that the advice he was constrained to offer secretly to his sovereign was unprincipled, violent, and unpatriotic? That the letter was written by Montrose, we have on the authority of a transcript (hitherto unpublished and unnoticed) in the handwriting of Wodrow himself, the well known champion of the Church of Scotland. The transcript is not addressed, nor dated, but the tenor

* Mr Brodie. This author, in the preface to his History, has many severe comments upon Mr Hume, for his "predisposition unfavourable to a *calm inquiry* after truth, and being impatient of that unwearied research, which, never satisfied while any source of information remains unexplored, or probability not duly weighed, with unremitting industry sifts and collates,"—and for allowing "his narrative to be directed by his *predilections*, and overlooking the materials from which it *ought* to have been constructed." In a corresponding degree, our Historiographer parades his own researches "in the Advocates' Library at Edinburgh," &c. &c. Why, then, did Mr Brodie not construct his character of Montrose from such materials as the above letter, and various original manuscripts we have yet to produce, of which Mr Brodie would seem to have been in total ignorance, although they were equally open to his researches in the collection of Manuscripts in the Advocates' Library?

proves that the letter must have been written before the great civil war broke out in 1642, and indeed before Montrose's imprisonment and persecution by the Covenanters, during the last seven months of the year 1641. The letter is also curiously identified by the fact, that some of the sentences are the very same as some that occur in Lord Napier's manuscripts, now first produced from the Napier charter-chest. Its most probable date is the close of the year 1640, before the conclusion of the Treaty of London, the very period when Montrose and his conservative friends held those private consultations, on the state of the times and the perilous position of the monarchy, which will be disclosed in the following chapter.

CHAPTER XIV.

THE CONSERVATIVES OF 1640.

Of Montrose's domestic life and habits few or no anecdotes are to be discovered. Indeed it is very plain, from the transactions we have illustrated, that since his return from his youthful travels, he could have enjoyed very little peace and quiet as a private individual.*

* In the Napier charter-chest there is a deed which bears that,—"We, James Erle of Montrois, Lord Græme and Mugdok, for the singular and special love and favour quhilk we haiff and bear to Lady Beatrix Græme, our lawful sister, and for the better advancing of the said Lady Beatrix to ane honorable mareage, according to her rank and dignity,"—obliges himself and his heirs to secure to the said Beatrix the sum of twenty thousand marks, for tocher. This condition, however, is added: "Providing always, likeas we haiff gevin and grantit thir presents upon this special provision and condition, and no utherwyse, that, in case it suld happin the said Lady Beatrix,—as God forbid,—to defyle her body, or join herself in mareage with any person without our special advyse and consent, then and in these cases, or uther of them, thir presents to be null." This deed is signed by Montrose himself, "at Auld Montrois, the 27th day of Merche 1639,"—the very time when he was in all the bustle and excitement of preparing for his march upon Aberdeen.—*See before, p.* 224.

The object of her illustrious brother's solicitude, Lady Beatrix, became the wife of David, third Lord Maderty, and fairly won her twenty thousand marks.

The following letter was kindly communicated to me by Miss Graham of Fintry, who is in possession of the original. Its date refers to a subsequent period of Montrose's history, but we may give it here; it is addressed to James Graham of Crago, younger brother of David Graham of Fintry:

"Loving Cossing,

"There be so much amiss, and so many abuses committed, touching my directions there at Old Montrois, (as Robert Græme in the same will shew you at greater length,) as I must intreat you to take the pains to goe and put ane order to them, in such ane way as you shall think most fitt. For

His associates were principally Lord Napier and his family, including Sir George Stirling of Keir, who was married to Napier's eldest daughter, Montrose's niece. Even in their most domestic moments, however, this family party were deeply engrossed with the troubles of the times, and with their fears for the stability of the monarchy. There were certain supper parties, at "Yule," that is Christmas, 1640, sometimes in Montrose's lodgings in Edinburgh, and sometimes in Lord Napier's house of Merchiston, where the question was anxiously discussed, in what manner the democratic movement could be arrested, and how the King could be persuaded to come to Scotland in person, to satisfy the Scottish nation in the matter of their Religion and Liberties, to put an end to "the particular and indirect practising of a few," and to the ruinous distractions of the country. There is a panelled chamber in the old Castle of Merchiston, in high preservation, among the ornaments of whose curiously stuccoed roof is yet to be seen the crown and cypher of King Charles. Here had been held some of those conservative *symposia*, of which history has so darkling a conception under the name of "the Plot," a chapter of the times the secret history of which we have now to develope. The names of popular agitation, by which Montrose and his friends were usually designated at the time, were, "the Banders and Plotters," alluding to the

the particulars I will be sparing, and only remitt you to what you may learn at greater length; and continue

"Your very loving Chief,

"MONTROSE."

"20*th October* 1642.

"I must earnestly intreat you to contrive that Mackintosh doe not dishonour himself, and wrong us all, by living thus abused with Argyle."

Mackintosh of that ilk was married to the daughter of David Graham of Fintry. This letter was written shortly before Montrose's interview with the Queen at Newcastle.—*See Vol.* ii. pp. 185–192.

Cumbernauld bond, and to the private meetings of Montrose and his loyal relatives. The object, and result, of this plot appear to have been Charles I.'s memorable, and, as it proved, fatal visit to Scotland in the year 1641. Clarendon declares himself unable to fathom "the ground of his Majesty's so positive and unalterable resolution of going to Scotland" at this time. Nor was Sir Philip Warwick aware of the secret history of that unfortunate progress. "The Scots," says he, in his memoirs, "having been for so many months, and for so ill ends, with so much dishonour, kept in the bowels of this kingdom, and at last dismissed with a brotherly kindness of L. 300,000, which they had scarcely ever seen before, at least as being given or paid by England, new reasons must be found for another journey, for his Majesty to go into Scotland; and, accordingly, his Majesty went into that kingdom, and made a residence there of about three months and upwards, which he only spent in confirming all they had done, and in giving titles of honour unto those that had most demerited of him; amongst whom the Marquis Hamilton was made Duke."*

* Sir Philip Warwick seems to have entertained no doubt whatever of Hamilton's dishonesty. The following letter, to Aboyne in the north, is a curious illustration of the favourite's double-dealing:

"My Lord,—Would God I received your letter a few days sooner, and then I would have been the messenger myself; for, *not having any hopes of a party in those quarters*, I had sent 3500 of my best men to Berwick, for a present design that is intended by his Majesty. So it will be now some days before those troops return to me. In the interim, if you cannot secure yourself where you are, you shall be welcome to me: but for the sending of any ships to you at this present, *I cannot*, though shortly *it may be* you see some in those quarters. I dare not write what I would, for fear it should not come safe to your hand: only this, rest assured that it will not be long before his Majesty himself declare himself in that way which will not please the Covenanters; and power he hath to curb their *insolencies*, if they continue in them. Your part hath been such as you

*

It will be remembered that, on the 7th of June 1641, Sir Thomas Hope, under the signature A. B., wrote to Archibald Johnston an account of the seizure of one Walter Stewart, out of the pannel of whose saddle was taken a letter from the King to Montrose. This messenger was understood to be coming from the King; yet such was the state of affairs in Scotland, that a private hint from Archibald Johnston in London, to Balmerino in Edinburgh, sufficed to accomplish the waylaying, taking prisoner, and rifling, any one of his Majesty's subjects who might attract the particular notice of these few dominant Covenanters. That party were at the very time professing the most perfect loyalty and obedience to his Majesty. Yet Sir Thomas Hope, who extorted a pardon from this same Walter Stewart for propagating a report that he, Sir Thomas, had uttered something derogatory to the King's person and authority, writes privately to Archibald Johnston, what he calls a tale worth telling twice, namely, that, at nine o'clock at night, in Balmerino's lodgings, Stewart having "denied he had any more papers than were in his cloth-bag, there was a leather bag found in the pannel of his saddle, wherein was a letter from the King to Montrose." The contents of this letter, much as was made of the fact of thus finding it, were never suffered

may expect that reward which a deserving servant and a loyal subject justly deserves and merits: what I can contribute thereto, look for it from your Lordship's faithful friend and servant,

"*Leith Road, 4th June*" 1639. "HAMILTON."

Original, MS. Advocates' Library.—I was only aware of this very curious letter (which will not be found in Burnet) after the remarks which it properly illustrates had been sent to press. Compare with p. 255, 261, 272, 278, 280, where it will be seen that the King, in May 1639, tells Hamilton to "uphold my party in the north;" and yet, on the 4th of June thereafter, Hamilton excuses himself to Aboyne, by pretending that he had not "any hopes of a party in those quarters."

to transpire, and, consequently, we may be certain that they were such as by no arts of democratical misconstruction could be made a handle of public agitation, either against the King or his loyal adherents. What renders the scene still more singular is, that, Sir Thomas Hope was the son of his Majesty's Advocate; and Balmerino was the very man whom that same Lord Advocate had brought under the King's mercy a few years before. To assist these midnight inquisitors, a third is sent for, one Edward Edgar, who, from a burgess and bailie of Edinburgh, had been elevated into a committee-man, and who appears to have been one of those subservient cyphers, the use of which were to give numerical value to such committee digitals as Balmerino and Hope. This upon the present, as upon various other occasions, was the whole representation of the Parliament, Government, Religion, Liberties, Laws, and unanimous covenanting zeal, of Scotland.

All the arts of intimidation, or persuasion, employed to obtain such information from Walter Stewart as best suited their purpose, it is of course impossible to know. But even in their own secret records of the matter, which shall presently be laid before the reader, unequivocal symptoms may be detected of the working of such arts upon the weak mind of Walter Stewart, who seems to have unbosomed himself, both of truth and falsehood, under the influence of no slight alarm for his personal safety. After all, however, his information only amounted to this, that he had been occasionally at supper, sometimes in Montrose's house, and sometimes in Napier's, in company with Sir George Stirling and Sir Archibald Stewart; and that he had, upon those occasions, been intrusted with some instructions to Traquair at Court, the object of which was to induce the King to come in person to Scotland, and,

after settling the peace of that kingdom, to bestow some of the offices of state upon Montrose and his friends. Moreover, certain scraps of paper were found in his pockets, scrawled over with enigmatical terms and cyphers, which he declared were the instructions dictated to him, in that mysterious form, by Montrose himself in presence of his friends.

Upon this ridiculous evidence the few who then governed Scotland, acting under the secret instigation of Archibald Johnston, and at the nod of Argyle, immediately seized Montrose, Napier, Sir George Stirling, and Sir Archibald Stewart, and, although the separate declarations, of these noblemen and gentlemen, deprived the committee of the slightest pretext for instituting any proceedings against them, they were all sent, in the most public and ignominious manner, as state prisoners, to the Castle of Edinburgh. A violent popular agitation was immediately commenced against them; and Montrose in particular, the grand object being his destruction, was held up to public execration as one guilty of designs so deep and dark, against the liberties of his country, and the lives of her best patriots, as to be left to the imagination to conceive, rather than to be plainly uttered. "The Plotters" now became a title of more dire and disgraceful import than "the Banders." The burnt bond itself was raised from its ashes to swell the cry, and the whole mystery of iniquity was confusedly mixed up with the leasing-making of John Stewart of Ladywell, the unhappy man at this time awaiting his doom for the alleged attempt to bring Argyle himself to the block.

Malcolm Laing has hitherto obtained credit for having thoroughly sifted the history of these cloudy transactions, and his epitome of them has long past cur-

rent, as containing all the facts and the real state of the case. I shall quote the entire passage, that it may be contrasted with all the secret details with which we are fortunately enabled to illustrate the subject of Montrose's defection from "the Cause."

"The Scots," says Mr Laing, "in consequence of a solemn obligation inserted in their covenant, to abstain from separate, or *divisive* measures, had hitherto preserved a degree of union perhaps unexampled, to which they were principally indebted for their past success. But for an opportune discovery that union was almost dissolved. Impatient of a superior, and conscious of military talents unmarked by his countrymen, Montrose was unable to brook the pre-eminence of Argyle in the senate, or of Lesly in the field. His expectations of the supreme command were disappointed; and, at Berwick, the returning favour of his sovereign had regained a nobleman, originally estranged from the Court by neglect, and detached from the Covenant by *secret disgust*. His correspondence with Charles was detected during the treaty of Rippon; and a bond, or counter association, was discovered, to which he had procured the subscription of nineteen peers. The Committee of Estates were *averse to division*, and disposed to rest satisfied with the surrender and formal renunciation of the bond; conciliatory measures were disappointed by a report, which Montrose had propagated, injurious to Argyle. Stewart, commissary or judge of the consistorial court of Dunkeld, was produced as his author, according to whose information, Argyle, in the presence of the Earl of Athol, and eight others his prisoners, declared that the Estates had consulted divines and lawyers, and intended to proceed to the deposition of the King. An allegation so little reconcileable with his characteristical prudence was sus-

ceptible of a complete and immediate proof. But the fact was denied by the witnesses present, and retracted by Stewart, who was arraigned and convicted on a train of statutes which were sanguinary then; and to the alternative of confirming the public report, that he had been induced to retract the charge by an assurance of life, Argyle inhumanly preferred the execution of those iniquitous laws on which Balmerino was condemned. Stewart's information had been secretly transmitted by Montrose to court; but the messenger, on his return, was intercepted by Argyle. Whether the facility with which the King might assume the command of the army, or acquire an ascendancy by his presence in Parliament, was suggested by Montrose, the discovery of *an obscure correspondence* in cypher excited a *general alarm.* The King, on his arrival in Scotland, had the mortification to find that Montrose and his friends were imprisoned in the Castle, and the detection of the *Banders and Plotters* had exasperated the prosecution against incendiaries."*

Thus tenderly, for Argyle and the Covenanters, and unjustly for "Montrose and his friends," has the history of those transactions been epitomized. We venture to think that there is more of antithesis than of impartial or well informed history in the above imposing passage. No doubt the Covenant itself was one monstrous "solemn obligation to abstain from separate and divisive measures." But as for the *union* it preserved, that immediately resolved into the secret policy of a few powerful factionists, for their own private ends; and when Mr Laing says, that "the Committee of Estates were averse from division," he is merely

* History of Scotland, Vol. i. p. 192.

glossing over the fact that Argyle and his subservient agitators would brook no independent, enlightened, or honest patriot in their councils. The terms of Montrose's bond, which this author had not seen, would have informed him that it was caused by the divisive measures of the " prime Covenanters" themselves, acting against the professed spirit and objects of that anomalous deed of national obligation, out of which they were carving their fortunes to the ruin of their country. Moreover, Mr Laing has assumed the meanest motives, for Montrose's opposition, which he could not prove, and, in reference to the leasing-making of the unfortunate Commissary, and the whole merits of the case against " the Plotters," he appears to have been totally uninformed in point of fact. The true version of all these matters, which the documents already produced have in some degree elucidated, we proceed still further to develope from original manuscripts. It will be found that the secret history of the fate of Stewart of Ladywell leaves no stain upon the character of Montrose, but casts a dark shadow upon that of Argyle; that the evidence extorted from Walter Stewart, in so far as it was made the pretext for sending Montrose and his friends to prison, were falsehoods of the most puerile nature, and moreover, were completely refuted, and sifted from the truth, by the separate depositions upon oath of Montrose, Napier, Keir, and Blackhall, even before their incarceration; that, nevertheless, in the prosecution of their design against Montrose, the covenanting government proceeded upon the single testimony of Walter Stewart, a man neither of honesty nor courage, while they treated with contempt the concurring testimony of four of the most honourable and highest

minded men in Scotland. That evidence, carefully kept secret at the time, shall be brought to light in the sequel. Here we intend to lay before the reader, from the Napier charter-chest, the contents of manuscripts illustrative of what passed at those supper parties, and informing us who were the individuals solely answerable for this conservative plotting.

The following is from a manuscript in the handwriting of Lord Napier himself, and which, with his other manuscripts to be produced, has been buried in the archives of his family from that moment to this, while our historians have been ingeniously recording their various versions of "the Plot."

"The Earl of Montrose, Lord Naper, Sir George Stirling of Keir,* and Sir Archibald Stewart of Blackhall, knights, having occasion to meet often, did then deplore the hard estate the country was in; our Religion not secured, and with it our Liberties being in danger,—Laws silenced,—Justice, and the course of Judicatories, obstructed,—noblemen and gentlemen put to excessive charges above their abilities; and distracted from their private affairs,—the course of traffic interrupted to the undoing of merchants and tradesmen,—moneyed men paid with faylies and suspensions,†—and, besides these

* Sir George Stirling, Napier's son-in-law, was a high-spirited baron of ancient descent. His domains in Menteth have been recorded by Sir Walter Scott as "the lofty brow of ancient Keir." Sir Archibald Stewart of Blackhall and Ardgowan was a Lord of Council and Session. Keir's sister, Mary Stirling, was married to Blackhall.—*Strathallan MS.*

† That this was no fanciful view taken by Montrose and Lord Napier of the state of the country, we may learn from a passage in a letter of Baillie's, so early as the month of April 1638, when that Covenanter, in the very midst of his admiration and excitement on the subject of the movement, exclaims, with the mixture of shrewdness and simplicity characteristic of him,—"our country is at the point of breaking loose, our laws

present evils, fearing *worse to follow*,—the *King's authority being much shaken* by the late troubles,—knowing well that the necessary consequences and effects of a weak sovereign power are *anarchy and confusion*, the tyranny of subjects, the most *insatiable and insupportable tyranny of the world*,—without hope of redress from the Prince, curbed and restrained from the lawful use of his power,—factions and distractions within,—opportunity to enemies abroad, and to ill affected subjects at home, to kindle a fire in the state which hardly can be quenched (unless it please the Almighty of his great mercy to prevent it) without the ruin of *King, People, and State.* *

"These sensible evils begot in them thoughts of remedy. The best, they thought, was, that if his Majesty would be pleased *to come in person to Scotland*, and give his people satisfaction in point of Religion, and *just* Liberties, he should thereby settle his own authority, and cure all the distempers and distractions among his subjects. For they assured themselves that the King giving God his due, and the people theirs, they would give Cæsar that which was his. While these thoughts and discourses were entertained among them, Lieutenant Walter Stewart came to the town, who was repairing to court about his own business. Whereupon it was thought expedient to employ him to deal with the Duke of Lennox (being a Stuart, and one that was oft at court they thought, but were deceived, that he was well known to the Duke) to persuade his Majesty's journey to Scotland

this twelve months have been silenced, divers misregard their creditors, our Highlands are making ready their arms, and some begin to murder their neighbours."

* This was prophetic. It will be observed that some of the expressions in this statement are the same with some used by Montrose in his Letter upon Sovereign Power.

for the effect foresaid. This was the Lieutenant's employment, and nocht else, although there was some other discourses to that purpose in the bye, as, that it was best his Majesty should keep up the Offices* vacand, till his Majesty had settled the affairs here; and the Lieutenant proponed this difficulty, that our army lay in his way, and that his Majesty could not in honour pass through them; to which he got this present reply, that our Commissioners were at London,—if the King did not agree with them, his Majesty would not come at all,—but if he did agree, the army should be his army, and they would all lay down their arms at his feet. There is no man so far from the duty of a good subject, or so void of common sense, as to quarrel this matter. But the *manner* is mightily impugned, and aggravated by all the means that the malicious libeller can invent. It is *bonum*, says he, no man so impudent as can deny it; but it is not *benè*, and, therefore, "The Plotters,"—for with that odious name they design them,—ought to be punished with loss of fame, life, lands, goods and gear, and be incapable of place, honour, or preferment,—a sore sentence any man will think, after the matter be well tried and discussed."†

The sole object, then, of "the Plot," was to save the monarchy, and the best interests of the country, from that rampant democracy of which they eventually became the prey; and the simple design was to persuade his Majesty to come in person to Scotland, to satisfy the people on the subject of "Religion and Liberties," and then to save the prerogatives of the Crown from the lawless attacks of a grasping faction. For this it

* The Offices of State. † Napier Charter-chest.

was that Montrose and his friends were sent to prison, and persecuted so long. Yet we are told, by the noble author of "Some Memorials of John Hampden," in reference to this very imprisonment,—"Montrose had been thrown into confinement, by the Parliament of Scotland, for a complication of *proved* offences of the *highest sort*,"—such is Lord Nugent's fiat on the subject: "Charles had been corresponding with an unprincipled violent faction in Scotland,—a *strange* letter from the Earl of Montrose, whose *ambitious designs* were now *generally suspected*, had been discovered,"—such is Mr Brodie's. But what if this letter, here so conveniently characterized as "strange," contained the purest and soundest advice, conveyed in the noblest expressions? Mr Brodie intimates that the discovery of this strange letter was a cause why the Commons of England so vehemently resisted the sudden resolution formed by Charles of visiting Scotland in the year 1641. We know not precisely to what letter our historiographer refers, and doubt much if he himself had any precise knowledge on the subject. But are we to believe the simple statement, of the motives and objects of Montrose and his friends, left by Lord Napier in his private notes, or the wild and violent theories of modern party writers? Was the secret correspondence, of "the Plotters" with their Sovereign, *unprincipled, violent,* and *strange,* or did it breathe the very soul of lofty integrity and disinterested patriotism?

Let the *original draft,* also in the handwriting of this Lord Napier, of a letter,—now for the first time brought to light,—and which we may well believe influenced that sudden and hitherto unaccountable determination of Charles, against every remonstrance of the Lords and Commons of England, to place himself in the hands

of his rebel subjects in Scotland,*—the letter which emanated from those family parties with Montrose and Napier,—speak for itself.

"SIR,—Your antient and native kingdom of Scotland is in a mighty distemper. It is incumbent to your Majesty to find out the disease, remove the causes, and apply convenient remedies. The disease, in my opinion, is *contagious*, and may infect the rest of your Majesty's dominions.† It is the falling sickness, for they are like to fall from you, and from the obedience due to you, if, by removing the cause, and application of wholesome remedies, it be not speedily prevented. The cause is a fear and apprehension, *not without some reason*,‡ of changes in religion, and that superstitious worship shall be brought in upon it, and therewith all their laws infringed, and their liberties invaded. Free them, Sir, from this fear, as *you are free from any such thoughts*, and undoubtedly you shall thereby settle that State in a *firm obedience to your Majesty in all time coming*.

* See Clarendon's history of that period, where he says, "Neither was the ground of his Majesty's so positive and unalterable resolution of going to Scotland sufficiently clear to standers by, who thought he might have transacted the business of that kingdom, where he could not reasonably expect any great reverence to his person, better at a distance, and that his presence might be more necessary in this."

† This was prophetic, and reminds us of Clarendon's expression, the small cloud in the "north," which expanded to the storm that desolated England.

‡ It is worthy of remark, that the philosophic Hume, penetrating through all the mists of passion and prejudice accumulated on the subject through the intervening generations, arrived at the same rational estimate of the matter, and expressed it almost in the same words, that Montrose and Napier had done at the time. "Amidst these dangerous complaints and terrors of religious innovation, the civil and ecclesiastical liberties of the nation were imagined, *and with some reason*, not to be altogether free from invasion."—*Hist.* Vol. vi. p. 323.

They have no other end but to preserve their Religion in purity, and their Liberties entire. That they intend the overthrow of monarchical government is a calumny.* They are capable of no other,—for many and great reasons,—and ere they will admit another than your Majesty, and, after you, your son, and nearest of your posterity, to sit upon that throne, *many thousands of them will spend their dearest blood.* You are not like a tree lately planted, which oweth the fall to the first wind. Your ancestors have governed there, without interruption of race, two thousand years, or thereabout, and taken such root as it can never be plucked up by any but yourselves. If any other shall entertain such treasonable thoughts, which I do not believe, certainly they will prove as vain as they are wicked.

"The remedy of this dangerous disease consisteth only in your Majesty's presence for a space in that kingdom. It is easy to you in person to settle these troubles, and to disperse these mists of apprehension and mistaking,—*impossible* to any other. If you send down a Commissioner, whate'er he be, he shall neither give nor get contentment, but shall render the disease incurable. The success of your Majesty's affairs,—the security of your authority,—the peace and happiness of your subjects, depend upon your personal presence. The disease is of that kind which is much helped by *conceit* [imagination], and the presence of the physician. *Now* is the proper time, and the critical days; for the people love *change*, and expect from it much good, —a new heaven and a new earth,—but, being *disappointed*, are as desirous of a re-change to the former

* This is stated in favour of the Scottish nation generally, not of the covenanting faction.

estate.* Satisfy them, Sir, in point of Religion and Liberties, when you come there, in a loving and free manner, that they may see your Majesty had never any other purpose, and doth not intend the least prejudice to either. For religious subjects, and such as enjoy their lawful liberties, obey better, and love more than the godless and servile, who do all out of base fear, which begets hate. Any difference, that may arise upon the acts passed in the last Parliament,† your Majesty's presence, and the advice and endeavours of your faithful servants, will easily accommodate. Let your Majesty be pleased to express your favour, and care of your subjects' weal, by giving way to any just motion of their's for relief of the burdens these late troubles have laid upon them, or by granting what else may tend to their good, which your Majesty may do with assurance that therein is included your own.

" *Suffer them not to meddle or dispute of your power,*‡ —it is an instrument never subjects yet handled well. Let not your authority receive any diminution of that which the law of God and nature, and the fundamental laws of the country alloweth: For then it shall grow contemptible,—and weak and miserable is that people whose prince hath not power sufficient to punish oppression, and to maintain peace and justice. On the other side, aim not at absoluteness: It endangers your

* This obviously alludes to the false excitement, created by the Covenant, beginning to subside, and the people to find that, after all the declamation of their preachers, they were not so well off under the Committee Government of Scotland, as they had been under the King and Council.

† The illegal convention of June 1640, in which Montrose disputed against the democratic faction.

‡ A most important advice, as we shall find, referring to the determination of the covenanting faction to rob the King of his prerogative of dispensing the Offices of State.

estate, and stirs up troubles: The people of the western parts of the world could never endure it any long time, and they of Scotland less than any.* Hearken not to Rehoboam's councillors,—they are flatterers, and therefore cannot be friends,—they follow your *fortune*, and love not your person,—pretend what they will, their hasty ambition and avarice make them persuade an absolute government, that the exercise of the same [may be put up] on them, and then they know how to get wealth,— †

* *

"Practice, Sir, the temperate government. It fitteth the humour and disposition of the nation best. It is most strong, most powerful, and most durable of any. It gladdeth the heart of your subjects, and then they erect a throne there for you to reign,—*firmissimum imperium quo obedientes gaudent.* Let your *last act* there be the settling the Offices of State upon men of known integrity and sufficiency.‡ Take them not upon

* Compare with Hamilton's letter, p. 247.

† There is here a hiatus of about two lines in the manuscript, which appears to have suffered from fire. The blank may be thus supplied from *a corresponding passage* in the letter of Montrose, given in Chapter XIII.—"*robbing thereby the people of their wealth, the King of the people's love due to him, and of the honour and reputation of wisdom.*"

‡ The Scotch Commissioners of the treaty in London were at this time making the most outrageous and insulting demands upon the King's prerogative and personal freedom. They demanded that he and the Prince should frequently reside in Scotland, and that about their persons and the Queen's should be placed such as were not obnoxious to the covenanting faction. In the King's answers, which are exceedingly temperate and dignified, there is a coincidence of expression with the above letter. His Majesty most justly observes, that his "goodness and grace towards his subjects of Scotland, in placing of them about his own person in places of greatest nearness and trust, hath been such as *ought* to give full satisfaction of his royal affection towards his subjects of his native kingdom; and for dispatch of the affairs of Scotland, he hath, and so shall continue to use the service of

credit, and other men's recommendation,—they prefer men for *their own ends*, and with respect to *themselves*. Neither yet take them at hazard,—but upon your own knowledge, which fully reacheth to a great many more than will fill those few places. Let them not be such as are obliged to others than yourself for their preferment,—not *factious* nor *popular*, neither such as are *much hated*, for these are not able to serve you well, and the others are not willing, if it be prejudice to those upon whom they depend. They who are preferred, and obliged to your Majesty, will study to behave them well and dutifully in their places, if it were for no other reason yet for this, that they make not your Majesty ashamed of your choice. So shall your Majesty secure your authority for the present, and settle it for the future time,—your journey shall be prosperous, your return glorious,—you shall be followed with the blessings of your people, and with that contentment which a virtuous deed reflecteth upon the mind of the doer,—and more true and solid shall your glory be than if you had conquered nations, and subdued a people.—*Pax una, triumphis innumeris potior.**

" Axioms.

" 1. All novations in Religion, and attempts upon the Laws and Liberties of the subjects, produceth dangerous effects.

" 2. Sovereign power, in the person of one, few, or many, is the sole and only bond of human society. Never was there any company of men governed by religion, nor reason, owing to the diversity of opinions about

such of that nation *as shall be of known sufficiency and integrity.*" This reply was made in April 1641, after the King had announced his intention of going to Scotland.—*Contemporary transcripts of these negotiations, Ad. Lib. Wodrow's MS.* LXXIII.

* One truce is better than a thousand triumphs.

both. Nor by love or virtue, most men being wicked and inclined to hate. There must be a *coactive power* to force obedience to laws and just commandements. To weaken then this power is to dissolve society, overthrow government, and introduce confusion and disorder.

" 3. It is made weak when it is restrained too far within, and, it is weak also when it is extended beyond, the true bounds: (like a strong signet of gold, which may be extended to a great length and breadth, to almost an airy thinness, but thereby is extremely weakened.) It is only strong and durable when it is temperate.

" 4. The *extent* of kingly power is the step next to tyranny, if the prince be bad,—if good, to the tyranny of courtiers,—the *restraint* to anarchy, (whether he be good or bad,) and the *tyranny and oppression of men of power in the kingdom.* The tyranny of subjects,—being the most fierce, insatiable, and unsupportable tyranny,—procureth that solecism of state, a miserable people under a good and just king.

" 5. Sovereign power is a *sacred thing*,—not to be defined, bounded, nor disputed of by subjects,—indeed not to be meddled with at all by them,—they wound it though they touch it never so tenderly.

" 6. Subjects ought only to endeavour the security of their own Laws and Liberties, whereby the sovereign power, without their endeavours, by necessary consequence, must run in its own true and natural channel, and keep a temperate course, wherein consisteth the joint happiness of King and subject. If it be short and restrained, it is good for both that it be enlarged till it meet with the subjects liberties and privilege, and there it ought to sist, for that is the true limits of it;

and if it be exorbitant, the laws and liberties of the people (which is the subject an exorbitant power works upon) being secured, then there is no matter, use, nor force in that exorbitancy,—and therefore it must needs be temperate.

"7. The King and his people make up one body politic, whereof he is the head, they are the members, and so near is the relation that nothing is or can be imagined good or ill for the one that is not just so for the other. If their ends and endeavours be never so little diverse, and eccentric, that prince inclineth to tyranny, or that people to disloyalty.

"These maxims, and others of the like nature not truly understood and practised, is the source of all disorders in the State. Arguments drawn from them, and the like, are the best *ingredients* in a wholesome counsel to a King, or to subjects."*

The coincidences, both in thought and expresion, between this interesting letter, and the speech of Charles when opening the Parliament of Scotland upon this

* Original MS. *Napier charter-chest.* This very interesting manuscript is not signed or dated. Unquestionably, however, it is the original draft of a letter to Charles I. all in the hand-writing of the first Lord Napier, and, with the axioms, occupies three sides of a folio sheet. It must have been written before Charles announced to Napier his determination to visit Scotland. It is possible, that we here recover the substance of a letter to his Majesty inclosed in one which (as we shall afterwards find) Montrose sent by Walter Stewart to the Duke of Lennox, and that the letter from the King to Montrose, of which Stewart was robbed, had reference to the advice thus offered him. It will be seen that the above contains whole paragraphs identically the same with some in the letter from Montrose on the subject of Sovereign Power. But whether what we thus discover in Lord Napier's hand-writing be a letter of his own to Charles I. or a draft of Montrose's made by Napier, or their joint composition, we cannot doubt (on comparing it with all the manuscripts illustrative of this alleged plot,) that it contains the sum and substance of the advice which, upon the few occasions of their intercourse, Montrose then offered to his Sovereign.

memorable occasion,* are very remarkable, and tend to confirm the idea that his Majesty had received the letter, and that its contents had made a powerful impression on his mind. It would have rendered our evidence, of the nature and principles of Montrose and Napier's plotting, very complete, could the letter have been discovered which Walter Stewart was bringing from Charles to Montrose, on the 4th of June 1641. Another letter, however, from his Majesty to Lord Napier, dated only about a fortnight earlier than the day on which Walter Stewart was seized, had reached its destination in safety, and probably without the knowledge of the tyrannical Committee. This appears from the original, which has been preserved with the other manuscripts in the Napier charter-chest. Let us see then in what dark terms Charles I. "tampered" with this "unprincipled violent faction in Scotland."

"*To our right trusty and well beloved Councillor, the Lord Naper.*

"CHARLES R.

"Right trusty and well beloved, We greet you well. Having fully resolved to repair unto that our kingdom, for holding of the parliament the 15th of July next,—that we may satisfy our good subjects of our real intentions to settle all matters in a peaceable manner, as may most conduce for the weal of our kingdom,—so, having of late written unto our council there to meet and attend at Edinburgh to receive our further directions, we have likewise, out of the former experience

* The King's speech will be found in Rushworth, Franklin, and in Balfour's Annals.

we have had of your affection to our service, thought fit to require you to stay constantly there, for giving directions as you shall find necessary for our reception and entertainment, and to attend our further pleasure, as it shall from time to time be imparted unto you ; and in the mean time that you advertise us back with your opinion what you find further requisite for this effect. Wherein expecting your ready care, we bid you farewell. From our court at Whitehall, the 20th May 1641."

Alas, " the Plotters" were sent to the Castle on the 11th of June thereafter, and when Charles arrived in Scotland he was welcomed only by his enemies. He had just been compelled to sign the death-warrant of his greatest statesman in England, and now, the few who struggled to save his honour, and his crown, in Scotland, were prisoners of the same merciless faction. And in that low-minded scramble, among the factionists, for place and power, which occurred ere Charles returned, he *did* " suffer them to meddle with his power,"—a host of *destructives* triumphed over the *conservative symposia*, and in the following year the very men among whom Charles had distributed honours and offices, with too lavish a hand, and some of whom then bedewed that hand with *covenanting* tears, raised a rebel army, and joined the Rebellion in England.

CHAPTER XV.

THE CASE AGAINST THE PLOTTERS.

THOUGH some of our modern historians sneer at the authority of Dr Wishart, while they rely upon contemporaries infinitely more questionable, that loyal clergyman was perfectly accurate in saying, that whatever tales the Covenanters framed to answer their sinister purposes, they wanted not proper instruments, always at hand, to spread them among the people. The noble author who, in our own times, so sententiously remarks, that prudential motives alone prevented * the Scots from publickly arraigning Montrose, is only right in a sense he did not intend, namely, that the faction having no case, in law or equity, against him whom they found so "very hard to be guided," prudently betook themselves to the meanest arts of tyrannical democracy. The same system of unprincipled agi-

* Lord Nugent, in his work entitled, "Some Memorials of John Hampden, his Party, and Times," (a characteristic of which is this character of Montrose,—"whose restless spirit was never stayed by *any considerations*, from pursuing, by *any means of violence and fraud*, the *destruction of any man* who thwarted his objects of intrigue, or obstructed the views of his high-reaching ambition,")—records, as matter of history, that Montrose "had been thrown into confinement by the Parliament of Scotland, for a complication of *proved offences* of the highest sort. He had the year before engaged himself in a plot to betray the covenanting army, with whom he was serving, because he had *failed in an attempt* to procure the chief command, and prudential motives alone prevented *the Scots* from publickly arraigning him for the act."—Vol. ii. p. 94.

tation,—indicated by that secret letter in which Archibald Johnston is counselled to organize a popular tumult against certain bishops, if they dared to shew themselves in public,—was carried through in their no less cowardly persecution of Montrose. When his conservative bond was detected, the public were inflamed without being informed, and Montrose condemned without being tried. The bond was burnt, as something too frightful for the public eye or ear, and then it was pronounced, even by the covenanting clergy, to be damnable. It is to this system that Montrose himself aludes in the complaint: " that he was *wronged* by the *scandal raised* upon the bond;" and when, elsewhere, he declared that " he was a man envied, and all means taken to cross him."

But Lord Nugent would lead us to believe, that the time arrived when the Argyle faction acted more openly in their pursuit of Montrose, who, it seems, was now thrown into confinement by the Parliament of Scotland, for a complication of proved offences of the highest sort, and that of such offences he was openly convicted. Where, how, and when the proof of these offences was led, and the open conviction obtained, the biographer of Hampden does not explain. If there be a characteristic more marked than another, of the faction with whom Montrose so nobly and so vainly contended, it is this, that in all their proceedings against incendiaries and delinquents, a fair and legal mode of investigation, a public and constitutional form of trial, consistent with the rules of law and the principles of justice, was by them *cannily*, or as Lord Nugent would say, *prudently* eschewed. The greatest crime with which Montrose could be charged was his intention of bringing to the light of day the skulking treason which

circumstances had pressed upon his attention. And even when he tried to ascertain the truth of what had so awakened his suspicions, it was with this "caveat" to his informer, "that he should rather keep himself within bounds than exceed."* Then it was most openly, before his King and country in the assembled Parliament, that Montrose intended first to "clear himself at the Parliament and Assembly," and then to impeach even Argyle (who had raised against him the scandal of having framed a damnable bond) of "high treason in the highest manner." But, as he incautiously told a covenanting agitator, "he should do it in such a way as could not wrong the public, because he would not make his challenge till the public were settled, and then he should put it off himself, and lay it on those who had calumniated him." In other words, he would prove, in the face of day, and by the most constitutional means, that he was no traitor to his King and country, and that Argyle was. Is it for covenanting historians to speak of this as a complication of proved offences of the highest sort? Contrast, with this head and front of Montrose's offending, the method of "the Patriots," under their great Justiciar Argyle. Archibald Johnston,—who confesses himself to be "one of the primest *witnesses*" in the very process he is so violently instigating,—writing to Balmerino, who was to be one of the primest *judges*, and who was president of all their inquisitorial committees,—urges such instructions as these: "If any of us be accused here, think what to do with some there, seeing we hear it comes from Montrose:" Then, as for Traquair, and the rest of the incendiaries, "think on matters" against them,—try if

* See the manuscripts quoted in the following chapter.

Traquair have removed the Regalia from the Castle,—it is clear treason if he have,—but let the accusation against him be kept close, without revealing to any, until the very day of his compearance,—pay the lawyers largely beforehand,—fye on those who will not be diligent in this,—rest not till Traquair be at the mercy of the Parliament and you, as you were at his,—*God* is going on in some *hid way* for his Son's crown,—Lord encourage and direct you!—Was this not a conspiracy against the Laws and Liberties of the country, and blasphemy besides? Was there no plotting here, worse than ever entered the imagination of Montrose?

Rumours of plots, as a means of keeping the public mind in a constant state of inflammation against those who were to be crushed, was one of the great arts of the covenanting movement, and our histories are still haunted by the murky calumnies that arose out of the system. The principal object of the clique, who worked the Committee of Estates in Edinburgh, when they extorted reiterated declarations and depositions from "the Plotters," was, not to protect and enlighten the community, but to keep themselves in possession of the power they had usurped, by raising phantoms in secret to delude and inflame the people. The abject confession, and cries for mercy, of the wretched John Stewart, enabled the faction (as we shall find) to imbrue their hands in his blood, under a mockery of the forms of justice. But the high minds, the clear consciences, the indomitable spirits, of Montrose and his fellow prisoners, were not to be so easily disposed of. They were committed to the Castle, with the most public parade of the faction. But all the evidence obtained against them, from themselves or others, was extorted

in secret (by the very persons who had been ordered, by Archibald Johnston, to "think what to do with them,") and ever afterwards kept from public investigation. Then the very pulpits resounded with the alarm of their "wicked plots, desperate, devilish, and new." But in vain the plotters demanded a public trial, and the liberty of the subject. They were to be kept in prison until "this *plot* of the King coming himself to Scotland," had terminated in that scramble for place and power, by which the Argyle faction became omnipotent, the King dethroned, and the rumour of a plot no longer necessary for the purposes of faction. And during that strict and solitary imprisonment of the purest patriots their country then possessed, plot upon plot was shadowed forth from the boiling cauldron of the Committee of Estates. The plot was no longer to impeach Hamilton and Argyle before King and Parliament,—it was now to be "a woful misery, and bloody butchery,"*—ruffians and cut-throats were to carry off and massacre Hamilton and Argyle,—"the Plot" passed into "the Incident," and for the picture of a parliamentary impeachment, by means of suborned witnesses, the more horrid phantasma is presented of Montrose bursting his prison doors, and leading a band of midnight murderers. Nor is this a figurative description of the rumour. Such was the excited statement of it transmitted by Baillie to his reverend correspondent abroad. England, too, who in the meaner arts of democracy, took all her lessons from the "beggarly Scot,"†

* Baillie's MS. quoted by Mr Brodie, Vol. iii. p. 147.

† While the committees and agitators in Scotland, under the directions of Archibald Johnston, and the auspices of Argyle and Hamilton, were inflaming the public mind with vague and mysterious rumours of *desperate* and *devilish* plots, in which the King was invariably implica-

became enveloped in this raging ocean of calumny; and, it appears, when its muddy waters subsided, they had left a foul deposite, even among the collections of the great Clarendon, namely, that Montrose,—the imprisoned Montrose,—imprisoned for the very purpose of preventing his approach to his Sovereign, and who, so long as Charles was in Scotland, was not suffered to see his own relations, without the knowledge and express sanction of his persecutors,—had been, in person, at the ear of the most refined and christian monarch in the world, whispering councils of *assassination*, and "frankly offering" to do the deed himself.

Thus three growths, as it were, of this vicious calumny has entered history. There is first the Plot, by which is meant a secret combination of Montrose with Charles I. and Traquair, to overturn the covenanting constitutions, and to convict Hamilton and Argyle of high treason, by means of false evidence before the Parliament of Scotland. Next comes the Incident, being the phantom of a deeper and more extensively organized scheme, to massacre those Innocents, "in the hour of unsuspecting confidence;" and, lastly, there is what we must call the Anecdote, (for nowhere, in that form, can the contemporary calumny now be traced, save

ted, the puritanical party in England, under the leadership of Pym, were industriously working the same machinery, and even attempted to get up the very counterpart of the Scotch Covenant. The principal drift of the agitation about the Plot and Incident in Scotland, was to crush Montrose, and to ruin the King by implicating him in these alleged diabolical attempts. Simultaneously, the democrats in England were agitating there with the "Army Plot," the purpose of which systematically obscure scandal was to ensure the execution of Strafford, and impress the people with the belief of desperate designs on the part of Charles against the Liberties of the country. Mr Brodie, in his History of the British Empire, Vol. iii. revels, with a congenial spirit, in all this cloudy and calumnious trash.

in its unfortunate adoption by Clarendon,) in which Montrose is made to offer his services to his sovereign, as an assassin.*

It will be remembered, that when Sir Thomas Hope so exultingly reports to Archibald Johnston the fact of Walter Stewart's capture, and his examination before Balmerino, Hope and Edgar, on the night of the 4th, or the morning of the 5th of June, he refers, for the particulars of the evidence, to the papers then transmitted to his democratic confidant. Among the manuscripts of the Advocates' Library we find the secret correspondence then passing betwixt the Committee at Edinburgh and the Scotch Commissioners for the Treaty at London in 1641. In a letter dated 23d June of that year, the Committee write: "We have sent your Lordships an account of what has past in the examination of such as we have as yet fallen upon, which we entreat your Lordships *not to divulge*, except to those who treat with you, and the Parliament of England in case of necessity, as we shall be your Lordships' affectionate friends to serve you." This system of secret dealing, so well sustained by the faction, while at the time it conferred upon the covenanting judicatories the character and the power of a dark inquisitorial tribunal, has misled modern historians, less violent and precipitate than Mr Brodie, into much vague and darkling credulity, and to such ill-informed and extravagant conclusions as,—

* This extraordinary and *impossible* scandal, left in manuscript by Lord Clarendon, and which has been published to the detriment both of that great historian and Montrose, will be more particularly examined afterwards. Most greedily does Mr Brodie adopt it, and gloat over it, in his interminable execrations of Montrose, "as having projected the assassination of Argyle and the Hamiltons, as well as the massacre of the Covenanters, [what, them all ?] in an hour of unsuspecting confidence."—*Hist.* iv. 271.

"the assassination of Argyle and Hamilton was characteristical of Montrose."* But we shall now drag to light the original papers which the covenanting faction so carefully kept secret, and which some modern historians, while pluming themselves on their research, have so carefully avoided discovering. We will prove that the "obscure correspondence in cypher," the faction itself had excellent reason to know, was the absurd invention of Walter Stewart, with which Montrose had nothing to do; and that as for the "general alarm," which it is said to have "excited," that was purposely created by the dishonest arts of these Covenanters, who, while they concealed the truth, and all that was illustrative of it in the depositions they themselves extorted, printed and circulated all that was mystical, inflammatory, and false.

The following, which we give from the original manuscript, will be easily recognised, after the foregoing illustrations.

"5th June 1641. In presence of the Lord Balmerino, Sir Thomas Hope, and Edward Edgar, Lieutenant-Colonel Walter Stewart was examined.

"Being interrogated what was his negotiation at his last being in Scotland, declares, that his errand was to get his brother-in-law's hand to a petition. Being asked what was his discourse at Broxmouth with the noblemen who were there, answers, that he spake with the Earl of Montrose a reasonable space, but spoke nothing of any thing except news at court. A paper was found whilst they were in examination, written with the Lieutenant-Colonel's *own hand*, containing letters for names, which he was desired to explain. De-

* Malcolm Laing.

clares, that by the D, in the second line, is understood the Duke of Lennox.* Being asked how he came to write this paper, declares, he got [it] at London. Being interrogated who gave him the purposes contained therein, answered, he *behoved to have time to recollect his memory.* Being inquired anent a letter directed to him by Colonel Cochrane, who was the bearer thereof to him, answers, it was Major Cunningham, Major to Dundas's regiment. Being likewise interrogated what was the purpose meant in the letter which was mystical, answered that it was something concerning the Palsgrave, and that it was that if the Earl of Montrose should not be gotten written for by his Majesty to come up, (which is understood by the jewell,) that the Colonel himself may be written for, and did expone the letter at the foot thereof under his hand. Being examined upon another paper,† written with his own hand, wherein there are the letters M, whereby he declares is meant the Earl of Montrose, by the letter L, is meant the King's Majesty, by the letter T, is meant the Earl of Traquair, and by the letter K,

* This must be the paper alluded to by Sir Thomas Hope, and which he says was taken out of Walter Stewart's pocket. I do not find it among the manuscripts. Spalding, however, says, that among Stewart's other papers "there was a curious obscure piece written after the form following: 'Tell L, if G and B be disbanded, the Parliament may be holden, and A and R may be cut off by A, B, C; and by these means other matters not yet known may take effect, and D and T may effectuate what is desired by the assistance of A, B, C, &c. M relies upon L. K looks for performance of all promised to him in L his name. No officers of the State should be chosen, or preferred, but by A, B, C. Let L be informed by D and T, that matters cannot go right till that serpent M, that lies in his bosom, be cut off.'" This obviously is the paper to which Sir Thomas Hope refers in his letter to Archibald Johnston, where he says, "I doubt the interpretation of A, B, C, by which he says are meant *the Banders*, and of the viper in the King's bosom, by which he means *Canterbury*, which I believe not."

† This appears to have been part of the obscure paper quoted in the previous note. Probably it was found in separate scraps.

is meant the Laird of Keir. The Lieutenant-Colonel being pressed to tell the truth of all the passages have past betwixt him and any others in his negotiation at Court, Newcastle, and in Scotland, declares, that since he is *put to it by the public*, he will ingenuously confess all, that thereby he may give satisfaction to the public, clear his own conscience, and humbly crave pardon for what he has done therein amiss, seeing he did nothing in that, or in any other, out of any intention to wrong the public.

"After Yule last,* Sir Archibald Stewart of Blackhall, (being in Edinburgh with the deponer, and they being entered in conference together,) told the deponer that the Earl of Montrose would speak with him. The deponer went to his Lordship, and found him in his own chamber, in the Canongate, where, they entering in discourse, the Earl told the deponer that he, finding some who had their own ends to the public business, therefore thought it fitting that himself, and such as had affection to the King, should run one course, so soon as the King granted Religion and Liberties of the country, against those who would oppose his Majesty, that being granted. Montrose asked the deponer if he would go to Court to acquaint the Duke of Lennox of the said Earl's affection, and affections of others of his mind, and to see if the Duke would join with him, which the deponer willingly condescended unto, he (Montrose) giving him full assurance that there was nothing intended against the public, but only for the preservation of the Religion and Liberties of the country, whereof Montrose gave him full assurance. The Earl did not name any to be of his mind, but the deponer conceived he meant those who had subscribed the bond.

* *i. e.* After Christmas 1640.

"They parted at that time, and met thereafter, at which meeting the Earl of Montrose gave the deponer some *directions to draw up instructions*, which the deponer did write with his own hand, and *did shew* them to the Earl of Montrose, Lord Napier, Lairds of Keir and Blackhall, *at their next meeting*. Any thing which was amiss was helped by them at the Lord Napier's house. The substance whereof,—that if the King would be pleased to secure them in their Religion and Liberties, grant them an act of oblivion for all bygones, and do every thing which might secure Religion and Liberties of the country, they would stand for the King against all men who will oppose him, provided that he come down to the Parliament himself, and keep up the offices of state undisposed of, till his Majesty saw who should deserve them best. *

"Whereupon the deponer went to court. Declares, that he carried no letters from the Earl of Montrose, neither did he subscribe the instructions lest they should be intercepted. The deponer had directions to the Earl of Traquair to the same purpose, and to impart these instructions to him. The deponer made his address first to the Earl of Traquair, and told him his instructions, who answered, that, for what concerned the King, he thought these might be easily granted, as well anent the granting the securing of Religion and Liberties, as of his down coming, and keeping up of the Offices of State. The deponer was desired to speak

* This last clause,—with the exception of the word "provided," which ought to have been "with the advice,"—is a perfectly accurate statement of the high principled object of Montrose and his friends. But this would not have afforded the colour of a case against them; and therefore Walter Stewart, in order to save himself, had to add some falsehoods, importing a more mysterious and selfish *dealing with Traquair, against the public.*

with the Duke of Lennox, and Earl of Traquair, to desire their concurrence with the Earl of Montrose, and the others of his mind, and to join with them in friendship, and to run one way with them. The Duke of Lennox's answer was, that he could do nothing till he spoke with the King, and so never gave any determinate answer to the deponer, but did write a letter to the Earl of Montrose, which the deponer brought home, but knows nothing of the tenor, except only there was something in it conceived in favour of the Earl of Traquair. The Earl of Traquair gave the same answer anent his joining with the Earl of Montrose. Declares, that the Earl of Traquair, having spoken with the King anent his instructions, related to him that his Majesty was content that Religion should be secured, the act of oblivion be passed, the Offices of State be undisposed of, and his Majesty would come home in person. The deponer declared that the Earl of Montrose recommended to him to propose to the Earl of Traquair, that *those who had subscribed the bond*, whom the deponer names A, B, C, might be employed, and preferred to vacant places, as they should be found to deserve. Accordingly, the deponer did propose the same to the Earl of Traquair, who had his Majesty's promise that they should be preferred, to his thought as they should deserve.* Declares, that he asked the Earl of Traquair whether or not he might speak with the Lord Balmerino in Traquair's particular, who answered, that he might do as he found the Lord Balmerino affected towards him. Accordingly, the deponer did ask the Lord Balmerino whether or not his Lordship would protect the Earl of Traquair, and his Lordship an-

* There can be no doubt that this was a false statement, as will be seen afterwards. The deponer himself altered the terms of it in another deposition.

swered, these were not words becoming a subject. The deponer next asked if the Lord Balmerino would see him get no wrong. Whereunto the Lord Balmerino answered, that he wished any wrong that should light upon the Earl of Traquair by his deed might light upon himself,* and that in the Earl of Traquair's own particular he was to do him any service he could, but what he was to be challenged by the Estate that differenced the case, and desired the Lieutenant-Colonel to remember these same words, and he did report the same to the Earl of Traquair, who gave no further direction to answer at all. Declares likewise, that the deponer hearing the Lord Angus was not well affected to the Earl of Traquair, desired Archibald Stewart to try my Lord's mind in it. Declares also, that the Earl of Traquair desired to know how the town of Glasgow was affected towards him in his particular, when it should occur in a public way. As also the Earl of Traquair desired to know how the Earl Marishall was affected towards him. The like anent Ardincapell. The Earl of Traquair discoursed with the deponer anent the two commissions for demolishing the King's houses, whereupon he set down in his memorandum to get the double of them, but never did it. The Earl of Traquair asked the deponer whether or not there was a commission for commanding all men beyond the water of Forth, who answered he knew not, but set it down in his memorandum to seek it out, but never sought the same.

The Earl Montrose gave directions to the deponer to

* As Walter Stewart was making his deposition in presence of Balmerino himself, it is to be supposed that the latter had really used these expressions. They are curious when contrasted with Archibald Johnston's violent and virulent feelings against Traquair expressed to Balmerino himself at this very time. See before, p. 355.

let it be known that it was not fitting that his Majesty should come to Scotland before the disbanding of the army, and these words were his own motions, and of none others. The deponer was to shew to the Earl of Traquair, or any others, the Earl Montrose's generosity in not desiring any thing to be conferred upon him, but as his Majesty shall find him deserve. After coming from court in March last he gave an account of negotiations to the Earl of Montrose, whom he found at Broxmouth, and delivered him the foresaid letter from the Duke of Lennox, and related to him the whole proceedings, as is before related, and left at Newcastle with the Laird of Keir a letter from the Duke of Lennox to the Earl of Montrose, and delivered to the Laird of Keir a double of the paper brought along with him, containing the propositions drawn off their instructions, together with his Majesty's answers thereto, which the Laird of Keir copied and kept.

" The deponer, at his first being at court, told the Earl of Traquair of the discourses alleged by Mr John Stewart to have been spoken by the Earl of Argyle anent the deposing of the King, and the Earl of Traquair told the deponer it was dangerous to have heard such things, unless they had a good warrant, and asked how Sir Thomas and Mr John could be reconciled anent the bailzerie of Dunkeld. Declares, that the Earl of Traquair said that there was no way to keep the deponer from skaith, unless he could get the discourse from Mr John Stewart in writing. That the deponer did write for Sir Thomas and Mr John Stewart, to meet him at Stirling, to confer with them in their own business, and in the other particular concerning the Earl of Argyle. Sir Thomas only came, and Mr John did not come in respect of his wife's burial, but promised to come to Edin-

burgh upon advertisement. The first discourse betwixt them was anent the bailzerie. The deponer next asked Sir Thomas if he remembered a discourse he had told him before concerning Argyle. He said he did, and what he could remember he would put in writing, which was this, that he had heard a discourse, at the ford of Lyon, that it was resolved, by divines and lawyers, that there were three reasons why a King might be deposed, namely, *invasio, desertio, venditio;* but that the Earl of Argyle did not apply it, or speak any thing of *our King*. Neither did Sir Thomas at that time put it in writing, but did it thereafter in Edinburgh, and gave it to the deponer, which is the same now found in the deponer's coffers. Thereafter Mr John Stewart coming to Edinburgh, the deponer and he first entered upon the bailzerie. He desired him to leave it off, in respect Sir Thomas had a mind to it, and could not be diverted, but that the deponer, if he could, would procure a factory of the rents; and thereafter did ask him if he did not remember of his words which he had thrice or four times spoken to the deponer before, which he said he did, and would put them in writing, which he did, and closed it up with a letter directed to the Earl of Traquair, which, when he [the Earl of Traquair] received, he did think it not worth two straws.*

After the deponer had received the papers, he came to Newcastle on his journey towards London, where he met with the Earl of Montrose, when he, (the Earl) delivered him a letter to the Duke of Lennox, and a recommendation to the Earl of Traquair to see that these things were not altered which were formerly determined, but that they should hold, which the deponer

* The real truth of all these transactions will be found in Lord Traquair's manuscript, to be quoted afterwards.

did accordingly. The deponer declares that he received from the Earl of Montrose four hundred merks in white money, but did never receive any more from him, or any others in Scotland; but did receive from the Earl of Traquair, at his last coming from town, forty odd pieces.* That this money given by the Earl of Montrose was delivered at the first time he went up. The deponer declares that the *Earl of Traquair* delivered to the deponer the letter from the King to the Earl of Montrose, which the deponer put into his saddle, and that he put it there because he thought it should not be seen, nor had no will it should be discovered, and that the Earl Traquair said there were many more letters written to others in the King's affairs."†

There is every reason to believe, as we shall shew in the sequel, that all the points in this evidence which could afford a colourable pretext for sending Montrose to prison were false. That the whole was a jumble of truth and falsehood, Walter Stewart himself virtually admits in various subsequent declarations, through whose modifications and additions this ridiculous evidence is moulded, by the same Inquisitors, Balmerino, Hope, and Edgar, into a shape more suited to the pur-

* See this explained in Traquair's manuscript.

† Original MS.; Signed, "W. Stewart.—Balmerino, Sr. Thomas Hop, Edward Edgar." The original declarations and depositions of Walter Stewart are among the manuscripts preserved in the Advocates' Library. But even their industrious collector, Wodrow, had not made himself master of their contents. There is an index, in his own handwriting, to the papers, by which it appears that he has occasionally misread "Lieut.-Col. Walter Stewart," thus,—"the *Servant* of Colonel Walter Stewart," and has indexed the depositions as if it had been Walter Stewart's servant who was examined, and not Walter himself. Had Wodrow been at the trouble to decypher two lines of these intricate manuscripts, he must have discovered his error.

poses of the Argyle faction. It was agreeable to their desires that Montrose should seem to be detected in a plot with Traquair, for these were the two noblemen who had incurred their most deadly hatred. The mysterious terms, too, in which the correspondence appeared, were invaluable, *ad captandum vulgus*, in a prosecution the object of which was to be attained in defiance of every enlightened principle of truth, justice, and common sense. But it was not so convenient to have it established, that the letters A, B, C, stood for those who had subscribed the bond, or that these were the parties who were involved in the terrible plot for being preferred to vacant places. To send so many noblemen to prison upon such a charge, was a step for which the faction was not prepared. The charge, however, was rendered more manageable afterwards by declarations which approached nearer to the simple truth, though they still left the evidence of Walter Stewart substantially false. On the 9th of June he was again examined by the same members of the Committee, when he added to, and modified his testimony as follows:

"Lieutenant-Colonel Walter Stewart declares, that after Yule (Christmas) last, having occasion to visit Sir Archibald Stewart of Blackhall in his chamber in Edinburgh, where, they entering in a discourse, according to the deponer's memory, anent his going to Court, Blackhall desired him to speak with the Earl of Montrose, which the deponer yielded to, and went the next night to supper at the Earl of Montrose's lodgings, where were present the said Earl, the Lord Napier, the Laird of Keir, Blackhall, the deponer, and Lieutenant-Colonel Sibbald. After supper the

Lord Napier, the said Earl, Laird of Keir, Blackhall, and the deponer, retired into the Earl's bedchamber, where they five entered in a discourse;"—Stewart here repeats the discourse alleged in his former deposition, namely, that if the King would settle the Religion and Liberties of Scotland, it was right that all who had an affection for his Majesty should support him against his enemies. He then proceeds,—"This was the substance of the discourse the first night, except that the Duke of Lennox and the Earl of Traquair, and their friends, should join in friendship and unity with the saids Earl of Montrose, Lord Napier, Lairds of Keir and Blackhall, to maintain themselves against all those who would oppose the King and them in that business. Denies that ever he remembers there was any bond motioned to be subscribed.

"At the next meeting, which was within a night thereafter in the Lord Napier's house, where the saids five persons, viz. the Earl of Montrose, Lord Napier, Keir, Blackhall, and the deponer were present, there was a note drawn up to the same purpose, spoken of by them all as of one mind to the same effect, but for the most part *dictated by the Earl of Montrose*, and *written by the deponer*,* the substance whereof was, that his Majesty should come down to the Parliament, secure Religion and Liberties, and keep up the Offices of State undisposed of. Does not remember where the paper which was written is, but that he thinks it is lost or riven, and that he did not put it in his trunk to his memory. Declares, that by the letters A, B, C, *is meant the three beforementioned*, viz. the Earl of Montrose, Lord Napier, and Laird of Keir, and their friends, and that there was

* Compare with declaration, p. 443.

nothing spoken of those who had subscribed the bond, but that the deponer understood them to be included under the name of these three, and their friends. Declares, that the deponer means by his paper anent the managing of affairs by A, B, C, that the *foresaid three*, and their friends, *should have the rule*, but does not remember that any of them desired the deponer to propose so much.

Being interrogated what the deponer meant by the word *serpent* in his paper, declares, it is the Marquis of Hamilton,* and that the meaning of these words came from the foresaid four persons, who thought that the Marquis of Hamilton and Earl of Argyle might have strange intentions. Declares, that the instructions, dictated by the Earl of Montrose *in presence of* the Lord Napier, Lairds of Keir and Blackhall, before-mentioned, were written in a covert way of letters for names, and not in cyphers, and that the paper was a little piece narrow paper. Declares, that the Earl of Traquair carried the heads of his instructions to the King, and got particular answers to them.† The principal papers being shewn to the deponer, he acknowledges them to be the self-same papers mentioned by him, and that they were all written with his own hand, and in testification thereof, he has declared the same upon the back of the said papers, the one whereof is his first instructions given him by the Earl of Montrose, Lord Napier, Keir, and Blackhall, and the other paper is the paper given by him to the Earl of Traquair, and his Majesty's answer reported by the Earl of Traquair to the deponer. And that the meaning of the instructions may be known, the deponer has ex-

* Sir Thomas Hope, in his letter to A. Johnstone, mentions that W. Stewart at first said it was Laud who was so figured.

† Contradicted, both by the King and Traquair.

plained the same under his hand, according to his memory." *

The mystical papers here alluded to are also among these manuscripts; and as they were made the grounds of the tyrannical and lawless criminal process against Montrose and his friends, which at least answered the purpose of separating these conservative advisers from the King during his presence in Scotland, we now lay the precious documents before the reader. The following, obviously, is the paper of instructions, containing letters for names, which Stewart alleged (falsely as we shall find) was written to Montrose's dictation, in presence of Napier, Keir, and Blackhall.

"How necessary it is that R come down to the Parliament. To desire that the H be kept up till it be seen who deserves them best. That H be not bestowed by the advice of the *Elephant*, for fear he crush the L. To assure L, that, R and L being granted, he will be powerful to crush the *Elephant*. Not to let L drink water except he promise not to cast it again. To assure D, and T, that except they take *Genero* by the hand, they will be trod upon and made naked. To assure L, D, T, that G will take him by the hand, and lead him through all difficulties, R and L granted." †

* Original MS.; signed, "W. Stewart.—Balmerino, Sir Thomas Hop, Edward Edgar;" and dated at Edinburgh, 9th June 1641.

† This is from a contemporary manuscript, not in Stewart's own handwriting, but containing all his notes and papers copied out upon one long sheet of paper, with marginal notes explaining the terms. I have seen a rare pamphlet, entitled, "Certaine Instructions given by the L. Montrose, L. Nappier, Laerd of Keer and Blackhall. With a true report of the commitee for this *new treason*, that they had a *three-fold design*. London, printed in the yeare 1641." I have no doubt that this was printed from the manuscript quoted in our text, the arrangement, and some apparent mistakes as to the letters, being the same in both. It had been drawn up at the time from Stewart's papers, and sent, by Sir

In Walter Stewart's own handwriting appears the following explanation of the above:

"How necessary it is the King come down to the Parliament. To desire that the Offices of Estate be kept up, till it be seen who deserves them best. That the offices of Estate be not bestowed by the advice of the Marquis of Hamilton, for fear he crush the King. To assure the King, Religion and Liberties granted, he will be powerful to crush the Marquis. Not to acquaint the King with any thing except he promise to keep secret. To assure the Duke and Traquair that, except they take the Earl of Montrose by the hand, they will be kept down, both at home and abroad. To assure the King, the Duke, and Traquair, that my Lord Montrose will stand by him through all difficulties, Religion and Liberties being granted. That if the Duke or Traquair write, it must be in so general a way as no man can gather any thing by it, and to write to both parties, and in their own particular.* I declare that this is the just meaning of the instructions, in so far as my memory serves me. Subscribed and written with my hand at Edinburgh the 9th of June 1641.—W. Stewart."

Upon the same sheet of paper, also in Stewart's own handwriting, are the following propositions, and his Majesty's alleged answers, being that referred to in the depositions.

"That the Noblemen, Gentlemen, and Barons, be the

Thomas Hope, to Archibald Johnston in London, who turned it into a most dishonest pamphlet of agitation.

* This last sentence is not in the Committee's copy of Stewart's mystical paper, of which the above is the key, nor in the printed pamphlet.

three Estates of which the Parliament is constituted. That Religion be secured by confirming the acts of the last General Assembly holden at Edinburgh, namely, the act of recission, and every thing necessary thereanent, which may assure his Majesty's subjects that there shall be no novation in Religion in any time hereafter. That an act of pacification and oblivion be passed for securing of the subjects from all question hereafter for ought has been done in these last troubles. That the subjects be governed, in all time, conform to the laws of the kingdom formerly established, and no otherwise. This done, his Majesty's faithful and loyal subjects will maintain his Majesty's honour, person, and royal authority, against all men, and will suffer no other novation in laws, or otherwise, to be introduced. It is requisite his Majesty keep up his Offices of Estate, and others his Majesty's royal favours, to be bestowed upon such as shall best deserve at Parliament and elsewhere, and that his Majesty be graciously pleased to be present there in person for countenancing his own service, and his loyal and faithful subjects.

"His Majesty agrees to the first four propositions, and, upon assurance of the performance of the fifth, will use all possible means so to dispose upon his affairs here, as that he may be in person at the Parliament of Scotland; and in the meantime will keep up all places and Offices of Estate, and other marks of his Majesty's royal favour, of any importance, undisposed of, until such time as he may bestow them upon parties according to their merit, and deserving at the Parliament. —Whitehall, the 3d of March 1641."*

* The *propositions*, and his *Majesty's answers*, are all in Walter Stewart's own handwriting. They contain the sum and substance of Montrose's plot with Napier and the rest. Stewart declared, and attest-

Upon the 10th of June, Walter Stewart was again examined by Balmerino, Hope, and Edgar. " He was questioned upon the word *Elephant,* contained in his paper of instructions with the letters. Declares, that thereby was meant the Marquis of Hamilton, and all others who would oppose the King, and not rest satisfied when Religion and Liberty should be granted. Declares, that the *note was drawn up at their directions, and the next night revised, and what was wanting or amiss was mended.* Declares, that at his coming back from court the Earl of Montrose was not at Newcastle, and that he desires his former deposition to be helped in that point where he says the Earl of Montrose received the Duke of Lennox's letter at Newcastle, because he now remembers that he delivered it to the Laird of Keir, to whom he gave a double of the paper brought along with him," &c.

Upon the 15th of June, " Lieutenant-Colonel Walter Stewart was examined *upon oath,* who declared that the first words of his first deposition, 5th June instant, may be helped, where he says that his errand was to his brother-in-law, in respect he now declares that he came to give an account of the former instructions, which he had from the Earl of Montrose, Lord Napier, Lairds of Keir and Blackhall, and declares, that Blackhall was present, but had little hand in the business. Declares that the deponer had intention to go to court about his own business, and his brother-in-law's busi-

ed under his hand, that Traquair carried them to the King and came back and reported the answer to him, Walter Stewart. This, there is every reason to believe, was false testimony, for the sake of pleasing the Committee by further implicating Traquair. The King's answer, if not a pure invention, was probably reported through the Duke of Lennox, and through the Duke also, were conveyed any propositions that were made from " the Plotters" to his Majesty.

ness, which being known to Blackhall, he acquainted the rest therewith, who employed him, and gave him instructions and money, conform to his former depositions, whereat he abides as truth, as they are now helped in the margin, and subscribed by the deponer. And further declares, that the *instructions* written with the deponer's hand, and so acknowledged by his subscription on the † * * of June instant, were recommended and spoken of by the Earl of Traquair, and written down by the deponer, and that the said paper was written before his last coming from Court in March last; and that the deponer did shew the same to the Laird of Keir, with whom the deponer left it a night, and received it back again. Declares, that the *propositions* before-mentioned, beginning with—"That the noblemen, gentlemen, and burghs be the three Estates," &c., and ending with these words, "and his loyal and faithful subjects,"—were drawn up by the deponer in the substance thereof, and mended and altered in the form and grammar by the Earl of Traquair, with his own hand in some parts, and in other parts at his direction.‡

† Manuscript destroyed.

‡ Yet the only copy found was that written entirely with Walter Stewart's hand, as quoted above. No question appears to have been put by the committee as to where that copy corrected by Traquair was, or what became of it. We shall find (by a manuscript to be quoted in the chapter of Traquair's defence) that Traquair declared this account to be absolutely false, so far as he was concerned, and appealed to the fact that, "neither amongst all his papers is there anything found directed to me or from me, but what *his own foolish scribblings* mention." In the course of his examination Stewart found that, to please the committee, he must implicate as much as possible Traquair and Montrose, and this is to be observed, that of *two* sets of *mystical instructions* found on Walter Stewart, he swore that the one was dictated by Montrose, the other by Traquair; but for the *rational propositions*, Stewart took those on himself. Now the converse was the truth. All the mystical papers were his own inventions, and the rational propositions contained his verbal commission from Montrose and the rest to Lennox.

Declares, that the deponer met with Sir Richard Graham at court, to whom the deponer told that the Earl of Montrose expected a letter to come up to court, who answered that it was not a fit time to the Earl to come to court. Being interrogated what was the meaning of the Earl of Montrose's letter found in the deponer's trunk, declares that by *the jewel* is meant a letter which should have been sent down by the Palsgrave for the Earl's upcoming; and that the meaning of the other words, 'that the Earl's jewel should come up before the other two letters,' is thereby meant that there were two letters desired to be written by the Duke of Lennox, one for the Lord Napier's upcoming, and another for the Laird of Keir's upcoming to court, but none of the three, to the deponer's knowledge, were written." *

The paper of instructions, alluded to in this deposition as having been "recommended and spoken of by the Earl of Traquair," is distinct from the paper of propositions to the King, and also from the mystical instructions alleged to have been dictated by Montrose. In one of the various editions of Walter Stewart's evidence taken down by the Committee, it is stated, that during the progress of his examinations, there was discovered in his trunk, (in addition to the other mystical notes, instructions, and letters alluded to,) a paper, "containing a number of particular instructions and directions in mystical terms, having letters, and *ticks*, and names of beasts, with other covert expressions, for names of persons and purposes." † Walter Stewart declared that these were the instructions which he alleged were recommended by Traquair, and also

* Original MS.; signed, "W. Stewart.—Sir Thomas Hop, Edward Edgar;" dated 15th June 1641.

† Original MS.

that he had left a copy of this mystical paper, (as well as of the propositions to the King, and his Majesty's answer) with the Laird of Keir, who kept them a night, that he might copy them, and then returned them to the deponer. The instructions, corresponding to the document above described, which I find among the manuscripts, are as follows:

* "To counsel L his home coming till they hear from D, or D hear from them. To advertise T, with all diligence, how . . . † are pleased with the *Tablet*, ‡ and if there be any particulars that they would have the L more special in. That they be not moved with reports of any alteration, or any thing derogate from the *Tablet*, except they hear from D. That the word moderation be explained to *Genero*. § That . . . strive to let the *town of Wigton* ‖ know how careful T has been to get him satisfaction, as my Lord Roxburgh will bear him witness, and that they may be confident of satisfaction. It is thought most necessary that some . . . who will be least suspected come up, or if that cannot conveniently be, that the bearer return with all possible diligence, and, howsoever, that he come up before. That all means be used for trying the information against the *Dromedary*, and what further can be found of his carriage with

* This manuscript of the instructions is not the original which Walter Stewart declared was in his own handwriting, and which I cannot find among the other papers. The above is quoted from the copy made by the Committee at the time, as noticed before (p. 452, note.) - Some of the mystical terms are explained, (probably from Walter Stewart's depositions) on the margin of this copy; as we have noted below.

† "... E. Montrose, L. Napier, Keir."

‡ "*Tablet*—propositions to the King, and his Majesty's answers."

§ "Anent Traquair in a letter fra the Duik."

‖ "*Town of Wigton*—E. of Wigton anent his offices in Parliament."

M'Duff, or any other there in these parts wherein *Signior Puritano* and some of the *Redshank's* friends can best inform and instruct. To assure *Signior Puritano* that he will get satisfaction anent the ward and marriage he desired, but that now it is not a fit time to do it for him, or any others so disposed as he is. To tell *Genero* that so soon as *Dick* comes to the *school*, who is daily looked for, he will by him hear from L.* To let . . . know how well L takes their care, and in the discretest way to inform yourself of their desires, and particularly *if reik aims upwards*.† To try the summons against T, and to send up a double that he may compare them with that which he has gotten, and to assure . . . and all others, that he shall clear himself of all these, as clear as day light. ‡ That by all means they labour with the *Plantations* § to let them know, the *Tablet* being filled up and made good, how much it concerns them to show themselves affectionate (to) L."

While the examinations of Walter Stewart were in progress, Montrose, Napier, Keir, and Blackhall, were

* "*Dromedary*—Argyle. *M'Duff*—Athol. *Signior Puritano*—E. Seaforth. *Redshanks*,—M'Donald. *Dick*—Sir Richard Graham. *School*—Court."

† "*If reik aims upwards*," is explained, both in the MS. and in the pamphlet, by "*if business goes aright*." It would appear, however, by a statement of Lord Napier's, to be afterwards quoted, that Walter Stewart had given this other explanation, namely, "*if Keir seeks preferment*."

‡ Obviously referring to the malicious and savage persecution of Traquair, chiefly instigated by Archibald Johnston.

§ "*Plantations*,—Commissioners of Parliament."

All the foregoing explanations are noted, some on the margin, and some above the mystical terms in the manuscript. The rare pamphlet alluded to before (p. 452, note,) has obviously been hurriedly printed from this very MS., for some of these explanations have been mistaken for *interlineations*, and printed accordingly, and there are other mistakes in the pamphlet, evidently in consequence of a misreading of the intricate MS.

separately examined, and the facts elicited from them completely contradicted Stewart in various essential points of his evidence. The first declarations taken from Montrose, Napier, and Keir, are not to be found among these manuscripts, but their tenor is already proved from Lord Napier's statement given in last chapter. There is still extant, however, among the Wodrow manuscripts, a declaration of Sir Archibald Stewart of Blackhall, taken before Lord Balmerino, Sir Thomas Hope, and Edward Edgar, on the 7th of June, probably the time when the other three were also first examined. Upon that occasion, and more particularly on the 26th of the same month, Sir Archibald Stewart made the following declaration:

"The said Sir Archibald declares that the Laird of Keir came, from the Lord Boyd's burial,* to make a visit at his house of Ardgowne, where they entered upon regrets for the case of the country; and thereafter meeting at Edinburgh they fell upon the same. The first conversation they fell upon was, that they thought his Majesty's coming to Scotland would be the best remedy for settling Religion and Liberties of the kingdom at the Parliament. The Laird of Keir, finding the deponer's mind to agree with the Lord Napier, desired the deponer to speak with the Lord Napier, wherein the deponer made difficulty, and being pressed by Keir, the deponer and Keir went to seek Napier, whom they found with the Earl Montrose, in the Earl Montrose's lodging in the Canongate, where when they had come, the deponer made doubt to speak with the Earl of Montrose, being a stranger to him, and loath to enter

* This fixes the period of these meetings; Lord Boyd died on the 24th November 1640. See p. 323.

into particulars with him of this nature, seeing his name at that same time was called in question for the private bond contraverted. That the deponer was induced by the Laird of Keir to enter with them, where they four, with Lieutenant-Colonel Walter Stewart, entered in discourse anent the King's down-coming, as the fittest means for settling of business, which was approven by them all. Thereafter they fell upon discourse anent the disbanding the armies, which probably might interrupt his Majesty's journey, and could not stand with his Majesty's honour to have the armies on foot and he coming down in a peaceable way for settling of all jars and questions; whereunto they all four agreed, (but does not remember who proposed the same first,) and therefore thought fit to *recommend* to the said Lieutenant-Colonel Stewart that he might propone the same to the Duke of Lennox, the Earl of Traquair,* and his friends and acquaintance about court, to entertain that motion with the King. And they thought it fit his Majesty should be pleased to keep up the Offices of State undisposed of till his own down-coming. And these three particulars they gave to the Lieutenant-

* In his previous declaration of the 7th of June, Blackhall declared in more general terms, "that the Earl of Traquair, to his memory, was not mentioned then, (at the first meeting) but that he was named thereafter." The faction were extremely anxious to connect this plot specially with Traquair, and pressed Blackhall upon this point in his subsequent depositions, by which, however, he explained away his former evidence. On the 4th of August, Blackhall being interrogated, "whether or not they gave direction to Lieutenant-Colonel Walter Stewart to impart, recommend, or acquaint the Earl of Traquair with their directions, he desires that this may be added,—that at the naming of the Earl of Traquair, it was opposed by the Lord Napier, and assented unto by the *most part* of the rest." The result was, however, we shall find, that Stewart was directed by this conservative party to move his Majesty through Lennox, and not Traquair.

Colonel by *instructions in word*,* at the Earl of Montrose's house, to be proposed to the Duke, the Earl of Traquair, and other friends and acquaintances at court, with express provision, that Religion and Liberties should not be prejudiced. Declares, that he was a consulter and adviser of the first of these instructions, namely, anent his Majesty's down-coming, and was only an auditor and assenter to the other two articles of the instructions. Declares, that they four met thereafter at the Lord Napier's house, with the said Lieutenant-Colonel Stewart, where these same instructions were repeated by the said Lieutenant-Colonel, who had the paper in his hand, in character ways, as the Lieutenant-Colonel *told* the deponer. Declares, that the said Lieutenant-Colonel did write a letter from court to the deponer, showing him under the terms of things, and his own down-coming, that he was hopeful his Majesty would come down, and that the Offices would be kept up.† Also declares, that before the Lieutenant-Colonel went to court, the Laird of Keir, the deponer, and the

* This contradicted Walter Stewart; therefore, on the 4th of August, "Sir Archibald Stewart of Blackhall being brought down from the Castle of Edinburgh, was demanded upon the first interrogatory anent the instructions given to Lieutenant-Colonel Walter Stewart, and whether they were given by *word*, or *writ*, whether or not they were *read* in their presence, whether or not they were *helped and dictated* by them, and who were present, and whether or not the paper did *contain characters, letters*, or not,—answered, that to all the interrogatories he could answer, no otherwise than as is in his former depositions, whereunto he adhered, except only he craved the word *instructions* to be helped, and called *motions recommended;* and that he remembers he did see a paper in Lieutenant-Colonel Stewart's hand, which was *rowed* [rolled] *up*, but does not remember the *quantity* of it, and declares that the Earl of Montrose, Lord Napier, Stirling of Keir, and himself were all present at both the meetings mentioned in his former depositions."—*Original MS.*

† That is to say, that Walter Stewart indicated his Majesty's coming to Scotland, under the covert term, *his own* coming, and the offices of state he called *things*.

Lieutenant-Colonel, agreed amongst themselves, that, if he did write any to them, it would be under these terms of things and his own down-coming. Denies, that he ever heard any thing more of Walter Stewart's negotiation, or *did see any of his papers*, neither did ever, after their meeting at the Lord Napier's house, meet with the Earl of Montrose, or Laird of Keir, till they met at Edinburgh in the beginning of June instant, when the Laird of Keir desired the deponer to dine with him; and, thereafter, met with the Earl of Montrose, Lord Napier, and Laird of Keir, at supper, after the deponer had made his first deposition,* to whom he told what he had deponed. Declares that at their first meeting, either in the Earl Montrose's house, or in the Lord Napier's, they all promised secrecy. And also depones, that the bond and reasons of the bond, which was the indirect practising of a few, were spoken of in the Earl of Montrose's house at supper, but denies that any of these few were particularly named. Declares, that he received a letter from the said Lieutenant-Colonel, dated at Glasgow, under the former dark terms, and to the same purpose, with some remembrance of commendations from the Duke of Lennox, and Earl of Traquair, and a request to speak to the Commissioners of Parliament, with the sheriffdom of Renfrew and Dumbartane, in favour of the Earl of Traquair, and, namely, Ardincaple." †

This account, it will be observed, differs in some essential particulars from that of Walter Stewart. The

* Which is dated 7th June 1641. It was on the 11th of that month that Montrose and his friends were sent to the castle.

† Original manuscript; signed, "Sr A. S. Blackhall,—Balmerino, Sr. Thomas Hop, Edward Edgar," and dated at Ednr. 26 June 1641.

nature of the meetings, and the general tenor of the instructions with which Stewart was entrusted to carry to court, for the information of his Majesty and benefit of the country, are here confirmed. But, according to Sir Archibald Stewart, these instructions were all gathered from the conversations at the meetings, and not dictated by Montrose, or revised and read after having been written out before the whole party. Neither were the mystical terms suggested by Montrose, or the rest, but had (as is very obvious) sprung from the fanciful and weak invention of Walter Stewart himself in private. Another particular, of greater moment, stands quite uncorroborated by Sir Archibald Stewart, namely, that Montrose instructed Walter Stewart to propose to the Earl of Traquair, that A, B, C, meaning Montrose, Napier, and Keir, should be preferred, if found deserving, to the vacant Offices of State. Walter Stewart had also declared that he was commissioned, at these meetings, to propose to the Duke of Lennox and Traquair a strict confederacy with Montrose, Napier, Keir, Blackhall, and others of their sentiments, for the benefit of the King and the distracted country. But, in reference to this point, I find among the manuscripts a separate declaration, holograph of Sir Archibald Stewart, to the following effect:

"Edinburgh, 29th June. I undersubscriber deny that ever Lieutenant-Colonel Stewart heard any such article, or instruction, for drawing a bond with the Duke of Lennox, and his noble friends, for their safety. But I acknowledge it was motioned, if I remember well, by Lieutenant-Colonel Stewart, or some of the company, to Napier and me, who did repel and refuse the same upon any terms, as a dangerous act in these days, and so never recommended to him by us, or any of us, in

my judgement. I questioned the Earl of Montrose upon the same, immediately after my first examination, who assured me he did never hear of such a motion till Lieutenant-Colonel Stewart, in the passing, came to Newcastle, and pressed his Lordship with (for?) an answer, if his Lordship would join in the foresaid bond, which (answer) was delivered in these terms to (the) Lieutenant-Colonel:—'That bonds were now of so dangerous consequence that his Lordship would not join in any, which, if the Duke of Lennox should move (it,) at his coming to Scotland, he would declare to himself.'" "Sr A. S. Blackhall."

Walter Stewart being thus positively contradicted, was, on the last day of June, again brought before the Inquisitors, when "he declares that he did not motion a bond to be made with the Duke, and his noble friends, but that he had instructions to speak with the Duke and Traquair for joining in friendship with these three, viz. the Earl of Montrose, Lord Napier, and Laird of Keir, and their friends; and being confronted with Blackhall, depones, as is before written, and Blackhall affirms in his presence as is set down in Blackhall's former depositions. Declares, that when he came back from court, the Earl of Montrose and the deponer entering in a discourse anent a solid friendship to be betwixt the Duke of Lennox and his noble friends, and the Earl of Montrose and those who were joined with him, and their friends, the Earl said that any tie of friendship of that kind will be best gotten done when the Duke should come to Scotland." *

Walter Stewart was also positively contradicted by Sir George Stirling.

* Orig. MS. Signed, "W. Stewart.—Balmerino, I. P. D."

"The Laird of Keir being interrogated anent the instructions given to Lieutenant-Colonel Walter Stewart, whether by *word or writ*, whether *read to them*, and *eiked or helped by their advice*, as in the interrogatories, declares that he knows no more than is in his former deposition, and declares he neither saw *paper or ink*, neither did they *write any*, nor did *any write at their direction*. The paper of the 3d of March at Whitehall 1641 being shown to the said Laird of Keir, and he being asked whether or not Walter Stewart did shew him this paper, or the like, and left the same with him, answered, that he did see this paper, or the like, whereof he did take the copy, without interrogating him from whom he had the same, or by whose mediation these were proponed to the King, and his Majesty's answers received; but conceives it was by *the Duke*, in regard their former desire was to have his address to the Duke. The first little paper, bearing Walter Stewart's instructions, being shewn to the deponer, he denies ever he did see that paper before, or that he knows any thing of the particulars thereof. Being likewise demanded if he had heard any thing of a bond to have been subscribed by the Duke and his friends, declared he had heard that it was spoken of to the Earl of Montrose, but that he never heard it spoken to himself by any, neither did speak of any such purpose to any person. And being interrogated upon the paper which Lieutenant-Colonel Walter Stewart brought from Court with him, beginning 'to speak with the General anent L. C. Stewart,' and ending at the articles anent the *plantations*,* which paper being shown to the deponer, and

* This corresponds with the conclusion of the mystical paper quoted *supra*, p. 458, but not with the beginning; which indicates that the original in Walter Stewart's handwriting had contained something con-

being interrogated whether or not he had ever seen the said paper, or taken a copy thereof, declares that, so far as he remembers, he never did see it, or take a copy thereof." *

Upon comparing the terms of their respective depositions, it is impossible not to be convinced that Blackhall and Keir deponed truly, and that Walter Stewart's deposition was false; † and of this we will be thoroughly persuaded when we come in the sequel to consider other unpublished manuscripts which we have yet to produce. If the covenanting government of Scotland had been actuated by principles of honour, honesty, and common sense, not to say *patriotism*, Walter Stewart's deposition (which proved nothing criminal against Montrose and his friends, even had it been all true,) would, upon a comparison of the statements of Montrose, Napier, Keir, and Blackhall, have been rejected with contempt. Although Walter Stewart's depositions were not finally arranged

cerning his *own affairs*, that is not given in the copy from which the pamphlet of agitation appears to have been printed. Walter Stewart declared that this mystical paper emanated from *Traquair*, and the *Committee copy*, and the *pamphlet*, title it, "Instructions from the Earl of Traquair to L.-Colonel Stewart." Possibly the commencement of the paper was not found to agree with this title.

* Original MS., dated at Edinburgh, 5th August 1641, and signed, "George Sterling.—Balmerino, I. P. D."

† Keir's deposition is in some degree tested by this, that he admits having seen, and taken a copy of the "tablet" and King's answers. Now, if, as Walter Stewart deponed, he had also seen and copied the mystical instructions, he would have admitted that fact too. On the other hand, if a fear of the consequences had led him to deny, falsely, he would in all probability have denied having seen and copied any of the papers. But Keir was a gentleman of high spirit and unblemished honour, while Walter Stewart, even by admission of the faction, (witness Sir Thomas Hope's secret letter) was a pitiful poltroon.

and sworn to until the 18th of June,* and although the declarations of the noblemen and gentlemen, whom that evidence touched, afforded the strongest reason to believe that it was just as little trustworthy, as, in any disinterested and legal view of the matter, it was consequential to the country, they were all sent, on the 11th of June, in a public and ignominious manner, to the Castle of Edinburgh as state prisoners, and branded with the name of "the Plotters."†

After the thieves had bound the true men, Argyle and his faction breathed more freely, and the bloody interlude occurred, whose illustration will require a separate chapter.

* Of that date an amended edition "being drawn off the former depositions, was appointed to be shown to the deponer, and he have liberty to collate the same, and advise thereupon, which was done accordingly, and the deponer appearing in presence of the Committee, was solemnly sworn thereupon, who affirmed the same to be true, as he would answer to God."—*Orig. MS.*

† History casts no light upon this important chapter of Montrose's life. How faulty is Bishop Burnet's record of it may now be seen. "At this time there was a gentleman seized at Broxmouth, with letters to my Lord Montrose, which discovered a new correspondence of his with the Court for my Lord Traquair's preservation; and *with this* the story of the bond, signed the former year at Cumbernauld, broke out; *upon which* he and some of his friends were committed close prisoners to the Castle of Edinburgh, and called Plotters. * * * Things in Scotland took presently a settlement, and those who were called Plotters and Banders, after examination, and a delivering up of their bond, which was burnt by the hand of the common hangman, were set at liberty, after some time of further restraint."—*Hist. of the Hamiltons*, pp. 184, 186.

CHAPTER XVI.

HOW DICTATOR CAMPBELL ADMINISTERED INJUSTICE, AND DID NOT TEMPER IT WITH MERCY.

WHEN Montrose and his friends were sent to the Castle, both they and the community at large were kept in total ignorance of the details of the evidence that had been obtained against them. The "private practising" of the covenanting faction had also deprived Montrose's contemporary biographer of the means of exposing, in detail, proceedings of which we have already disclosed enough to prove that Dr Wishart was, nevertheless, perfectly well founded in the following general observations which occur in the opening chapter of his celebrated History: "They (the Covenanters) seriously consult how they should take Montrose out of the way, whose heroic spirit, being fixed on high and honourable, however difficult achievements, they could not endure. To make their way, therefore, into so villainous an act, by the assistance of some courtiers * whom with gifts and promises they had corrupted, they understood that the King had written letters to Montrose, and that they were quilted in the saddle of the bearer, one Stewart belonging to the Earl of Traquair. The bearer

* This is very likely. Hamilton's creature, that worthless intriguer William Murray, of the Bed-chamber, was the nephew of that same Rev. Robert Murray with whose deposition this *fracas* commenced.

was scarce entered the borders of Scotland when they apprehended him, rip his saddle, and find the letters. There was nothing at all written in them which did not become the best of Kings to command, the best of subjects to obey. Nevertheless, these most exact craft-masters in the arts of lying and slandering, set about horrible and tragical reports, by their apt ministers, that at last all the *King's plots with Montrose*, for the overthrow of Religion, and the ruin of the Kingdom, were found out and discovered. Nor yet durst they afford him a public trial, but, on a sudden, when he suspected nothing, thrust him, with Napier Lord of Merchiston, and Stirling of Keir, Knight, two both of his near kindred and intimate familiars, into the Castle of Edinburgh." * But Lord Nugent, as if more enlightened upon this dark passage of Montrose's life, tells us that "Montrose had *incited one Stewart* to accuse Argyle, Hamilton, and Rothes, of a treasonable intent to depose Charles. *On the proceedings*, Stewart, ill-qualified to be the agent of so bold an intriguer as Montrose, confessed his crime. Nothing then remained for Montrose but to denounce Stewart as having been suborned by Argyle to forge his confession, and thus, embroiling the charge, he left his wretched *accomplice* in the dilemma of a capital accusation of leasing-making against one at least of the noblemen, and to be consequently put to an ignominious death." †

Wherever the noble author may have obtained this history of the matter, we venture to say, and proceed to prove, that not a syllable of it is consistent with what actually occurred.

* Translation (printed in the year 1648) of Wishart's Latin History, C. i.

† Memorials of Hampden, Vol. ii. p. 95.

Bishop Guthrie narrates, that after John Stewart was committed to prison, "my Lord Balmerino and my Lord Durie being sent from the Committee to the Castle to examine him, they did try another way with him, and dealt with him that he would rather take a tache upon himself than let Argyle lie under such a blunder;" and he adds that "both being profound men they knew well what arguments to use for that effect;" and, accordingly persuaded Stewart to write a letter to the Earl of Argyle, "wherein he cleared him of those speeches, and acknowledged that himself had forged them out of malice against his Lordship." This contemporary chronicler, rejected by covenanting authors, is, though not always accurate in his details, nevertheless substantially confirmed, in what we have quoted, by the manuscripts we now bring to light. The following is from the original letter written by John Stewart to Argyle, with the deliverance upon it by the President of the Committee of Estates.

"*For the Right Honourable and Noble Lord, the Earl of Argyle, these.*

"Right Honourable and Noble Lord,

"In respect it hath pleased your Lordship to admit of my former, I have therefore taken boldness by these to beg that favour from your Lordship to admit me to your Lordship's presence, before I be further heard in public, hoping to give your Lordship satisfaction, promising to conceal nothing that I know to your Lordship's prejudice and harm, or of the public's. Considering your Lordship's generous disposition, I will hope for no less than that you will requite evil with good, which will contribute more for your Lordship's honour and

credit, nor (than) my wreck will do for your Lordship's wealth, or my shame for your praise. Expecting a favourable answer from your Lordship's goodness, rests—Your Lordship's most undeserved

Jo. Stewart."

"5 June 1641. Produced in presence of the Committee to the Earl of Argyle, who will not read it, but gave it to me to be read in public. After reading whereof, the Earl of Argyle refused to speak with him apart or alone, but was content the Committee should appoint some to be present before whom he was content to hear Mr John. The Committee appoint the Lord Balmerino, Sir Thomas Hope, and Edward Edgar, to be present with the Earl of Argyle to speak with Mr John."

"Sr A. Gibsone, I. P. D."

It appears from the above, that a previous letter of recantation had been received by Argyle, and thus far the statement of Bishop Guthrie is confirmed. That the deputation appointed to wait upon the prisoner did so on the following evening, and that, notwithstanding all this preliminary negotiation, the terms of Stewart's confession could not be *satisfactorily arranged* upon that occasion, also appears to be proved by another original manuscript, of which the contents are as follows.

"*Mr John Stewart's Petition and Confession presented to the Committee of Estates, produced 7th June* 1641.

"My Lords, and others of the Committee of Estates.

First, I beg your Lordships' pardon, especially those who were yester night here, in that I could not give them greater satisfaction at that present, in respect of the infirmity and weakness of my body and spirit, and likewise being dashed (abashed) with such a number. And therefore for satisfaction, now I declare,

" First, I being desired by the Earls of Montrose, *and Athol*, present at Scoon, to try what bonds were pressed, either by the Earl of Argyle himself, or his friends, or subscribed to him in Athol or elsewhere; secondly, to try what presumptions there might be had that he was the acquirer of his late commission himself, and how he carried himself therein; thirdly, what presumptions might be had that he did aspire for supremacy above his equals, with that *caveat given me by Montrose* that I should rather *keep me within bounds nor* (than) *exceed;* yet, *notwithstanding*, by that odious paper, I have abused his Lordship's, and Athol's, trust in me, wronged the Earl of Argyle, and discredited myself, conceiving all things with a prejudicat opinion and unjust malice against the Earl of Argyle, wresting all things to sinister senses, contrary either to his Lordship's words or actions, for which doings I crave his Lordship's mercy, and pleads only now guilty, beseeching his Lordship to have compassion upon my wretched estate; being only desirous to have pleasured the receiver thereby, imagining never to have been brought to answer for them thereafter, as now I am, to my great grief and late repentance. And howsoever I have condescended upon a number of witnesses, upon weak grounds of some of their discourses, as will be found after trial, I declare there is never one of them accessory to this my malicious and calumnious pamphlet and paper, nor had hand therein, except

that I offered once the sight of it to Athol, who desired me to do it so that I would be answerable for it, and gave him only that part in writing which concerned himself; whose answer I never received yet, nor gave the copy to no man except to Montrose himself. Having repented me of my doings I burnt the scroll, and would have fain come off, and had it back again, but could not, in respect of his Lordship being without the country, till now that I hope it be for God's glory, and the union of all this nation, to stand for the defence of his cause, wherein he hath such a provident hand. As for these speeches, alleged by me to have been spoken by Argyle at the ford of Lyon, I confess that now having *thought better upon them*, his speeches were *general, of all Kings*; howsoever, by my foresaid prejudicat opinion of his Lordship's actions, I applied them to the present, wrested them to my own meaning, and vented them after that kind. Beseeching your Lordships, for the reasons foresaid, that what further your Lordships are to interrogate me upon, that I may answer them by writ, as not being able, in respect of my weakness, either to stand or gang (walk,) as this bearer can witness. Further, I desire that if either the Laird of Balbirny, or Alexander Brody of Lathem, be in the town, that they may have warrant to come to me, whereby I may impart to them somewhat of my worldly affairs, and if none of them be here, that some other friends may be admitted; and your Lordship's answer I humbly crave. "Jo. Stewart."

It appears from Sir Thomas Hope's letter, that this confession did not satisfy the Committee. "Mr John Stewart (he says) has since confessed his knavery in the general, but has not yet cleared the particulars,"—

and Hope's letter is dated on the 7th of June, the date of the production of that confession and petition before the Committee. Some days afterwards, however, this unhappy man "cleared the particulars," for, among the same manuscripts, is the following original deposition :—

"10th June 1641. In presence of the Lord Balmerino, Sir Thomas Hope, and Edward Edgar, Mr John Stewart was examined upon oath.

"The said Mr John being solemnly sworn to declare the truth, confesses that there were *none other accessory* to the making up of that discourse, which the deponer deponed before the Lords of the Committee against the Earl of Argyle. And declares that the Earl of Argyle having spoken of Kings in general, and cases wherein it is thought Kings might be deposed, the deponer did take the words as spoken of our King; and, out of his malicious desire of revenge the deponer confesses he added these words, 'that the first thing the Parliament would have begun upon was to depose the King;' and sicklike added these words, 'and howsoever they had continued the doing of it at this time, yet he feared it should be the first thing they would fall upon at the next session,'—or, 'it will be the first thing will be begun at in the next session,'—and declares that the Earl of Argyle's words were only these in general, viz. 'that there was a discourse at the Parliament of the reasons and cases of deposing of Kings in general,' which the deponer did apply to our King, and the present time, in manner contained in his deposition* before the Committee, last (day of) May 1641. And siclike declares, that the Earls of Montrose and Athol desired the deponer to in-

* This deposition I cannot discover among the other MSS.

quire what bonds were either prest or taken by the Earls of Argyle or his friends, and to try how he carried himself in his late commission in Athol and elsewhere, and sicklike to collect what presumptions there might be that he aspired to higher superiority, or some such words above his equals, with that *caveat by Montrose that the deponer should rather keep himself within bounds than exceed.* According whereunto the deponer went and gathered every presumption, and every clatter, which the deponer vented. And sicklike the deponer declares, that when the deponer told the former discourse to the Earl of Montrose, (as is contained in his deposition of the last of May,) * *in presence of the Earl of Athol*, the said Earl did object nothing to the contrary, but did require the deponer to give him a copy of those words, to compare it with his own memory, which the deponer did within a few days thereafter. The deponer being interrogated what was the reasons of his malice against the Earl of Argyle, which moved the deponer to forge such malicious calumnies against him, declares that the Earl of Argyle, in all the particulars of his own, was his very good friend, before the commission granted to the Earl of Argyle against Athol by the Committee of Estates, and that all the reasons the deponer had were in execution of the said commission, and especially for sending of the deponer and his complices to Edinburgh, and refusing to take caution of them in Athol, and in refusing the deponer liberty to go to his own house by the way, and for some speeches spoken by Archibald Campbell against the Earl of Athol, whereby he sould have said † that

* This date confirms Guthrie's statement that Stewart was brought to Edinburgh on the 30th of May.

† *i. e.* Did say.

if the said Archibald had eight days time, he would get as much against the Earl of Athol as might endanger his life and estate, which the Earl of Argyle had in his pocket." *

Now it was on the day following that on which the above deposition of John Stewart was emitted, that Montrose and his friends were taken by surprise, and sent with public ignominy to the castle. Yet so far was that evidence from fortifying the wretched trash previously extorted from Walter Stewart, that it only tended to confirm the fact of Montrose and his friends being innocent of the shadow of a public crime. The miserable state of body and mind to which John Stewart had been reduced, and his terror at the prospect of his fate, cannot be doubted after the documents now produced. Had he, under these circumstances, cast all the odium of his alleged false testimony (as Lord Nugent and Mr Brodie have done) upon Montrose, had he accused that nobleman of instigating him to raise a calumny against Argyle, for factious purposes, however eagerly such a declaration would have been seized and acted upon by Argyle, and his subservient Committee, most unquestionably it would have been totally unworthy of credit. But, in his utmost misery, John Stewart said nothing of the kind. His confessions absolutely refute the assertion that Montrose *incited* or *suborned* him to accuse Argyle. Taking those confessions as they stand, (though clearly Montrose is not to be judged by them, †) no more is brought out than that

* Original M.S. signed "John Stewart.—Balmerino, Thomas Hop, Edward Edgar."

† Montrose's own account of the matter will be given in a subsequent chapter, from the original manuscript.

Stewart reported high treason to Montrose, who required his informer to obtain the substantial proofs. But Montrose accompanied his instructions with this caveat, that Stewart, in collecting the proofs should rather keep within bounds than exceed, an injunction the very reverse of an attempt or desire to adduce false evidence. Stewart had put all that he knew, or pretended to know, of the treasonable speeches and designs of Argyle, in writing, which he so communicated both to Montrose and Athol. From all this information, and also from the conversation of Lord Lindsay, as well as the Argyle bond which had been offered to Montrose himself for signature, he had become satisfied that Argyle was a traitor in the disguise of a patriot,—was, in fact, that character his own father had predicated of him, and all subsequent history has proved him to have been. Montrose appears to have entertained some idea, though probably not very determinate, of impeaching Argyle, and others of the faction, in a constitutional form before the King and Scots Parliament of 1641; a measure by which Montrose would have given every just and equitable advantage to the accused, and taken every risk of failure upon himself. The power and factious talents of the anti-monarchical party were too many for this loyal nobleman, and the premature declaration of his suspicions, extorted by the Argyle committee, left Montrose no other alternative than to send for his informer, and make him declare before that tribunal, and face to face with Argyle himself, the treasonable circumstances he, Stewart, had reported and put in writing. Stewart did so at once, but afterwards recanted under the circumstances, and to the extent we have seen.

As there was yet no case, either upon the depositions

of Walter, or the confessions of John Stewart, against "the Plotters," that could bear the light of day, and as the honourable parties themselves had all declared in terms that distinctly separated what was true in Walter Stewart's secret evidence from his falsehoods, and mystical absurdities, it became the object of the faction to involve Montrose, and the rest, at least in the semblance of contradictions, by perpetual and vexatious examinations, instituted, contrary to every principle of justice, for the purpose of causing the accused to criminate themselves. Montrose and Keir vainly endeavoured to frustrate this worse than factious proceeding, by a spirited determination to answer no more interrogatories in private, but to demand a speedy and public trial. Napier, with equal firmness, and more ingenuity, contrived to avoid what the Committee called contumacy, but without compromising either himself or his friends. On the 21st of June, Balmerino and some others had been with Montrose in the castle, but found a different spirit to deal with than in the wretched John Stewart, who at this time was fearfully awaiting the result of his own pusillanimity. The mind of Montrose shone forth amid these trying circumstances. His spirit was indomitable, but ever displayed itself in the calm and dignified demeanour, nay, in the elegant language, of a perfect gentleman, who would have graced any age of civilized freedom. Balmerino's mission having failed, an order was sent to bring Montrose before the Committee, and even from the secret record of his enemies shall we now illustrate his demeanour.

The following is from the original manuscript signed by the President of the Committee.

"At Edinburgh, 22d June 1641. The Committee

gave warrant to the Constable of the Castle to bring down the Earl of Montrose, and directed the Earl of Sutherland to attend his Lordship from the Castle, in coach, to the Committee; who going there returned with this answer:—

"'My Lord,—I am most heartily willing, in all humble obedience, to attend your Lordship, according to the Committee's commandment towards me, and their pleasures to your Lordship. But, as I do conceive, this appears to be grounded upon some discourse which did pass betwixt me and some appointed here yesterday for that end, wherein it seems there are some mistakes; for I, being required to declare myself upon some articles whereon I was to be questioned, answered, that seeing it was for matters that harmed the public I was questioned, I did conceive, in my humble opinion, (with all respect,) the more public my trial were, the further should it tend to the satisfaction and contentment thereof,—that, as the scandal was notorious, and national, so likewise should the expiation be, one way or another. This is all I either have to say or can answer; and lest it should consume too much time to the public, (which may be much better employed,) since all but shews a misunderstanding, I must humbly intreat your Lordship to represent this much, together with all the humble obedience that *can* be performed by your servant.'" *

This mission having also failed, the Committee ordained the provost and bailies to go in their name, and charge the constable of the Castle to render Montrose to them, and to bring him down to the Committee under a sure guard. This, adds Spalding, "they did, be-

* Original MS., signed "Craighall, I. P. D."

ing about four hundred men." The same chronicler records that, to the Committee's interrogatories, Montrose "would give no answer, nor solution, saying, he would answer in Parliament before his Peers, and was no more obliged." But let us again bring to light the best evidence in favour of Montrose, namely, that of his enemies, as afforded by their original draft of the proceedings.

"At Edinburgh, 23d June 1641. The Earl of Montrose being appointed to appear before the Committee, was brought down, who being desired to answer to some interrogatories, which he shunned in a fair way of discourse, but would not say positively he would refuse to answer. The Committee appointed him to declare in direct terms, yea or not, who, being thereafter called, still put off with generals, and would not condescend, at least expressly yea or not, and still adhered to his paper before written. The Committee declared they would take his answer for a denial, which being intimated to his Lordship, and one of the interrogatories asked, he continued still in his former refusal, which the Committee taking to their consideration, after the asking of opinions of all the noblemen, and considerable gentlemen, and others present, they all found that the Earl of Montrose is hereby disobedient and contumacious to the Committee, in refusing to answer to their interrogatories, which they desired the President yet again to intimate to the said Earl, that if he pleased he might yet recall his former denial, and obey the Committee, since he is so obliged by oath, subscription, and act of Parliament. This was intimated, and still the said Earl continued in his former denial."*

* Original MS. signed "Craighall, I. P. D."

How the Committee disposed of their contumacious prisoner, after this scene, the manuscript does not inform us; but from Spalding we learn that, "finding no contentment, they sent him back again to the Castle of Edinburgh, there to remain; but Stephen Boyd, Captain thereof, was discharged from being Captain, and another captain called [Colonel Lindsay]* put in his place, because he suffered Montrose to have conference with the rest. Always they want that comfort now, and are now strictly keeped, so that each one of them had a page to wait upon him, and *none suffered to go in nor out, but by permission*, to speak with any of them. This was thought strict dealing, there being of Montrose's opinion, called *banders*, about nineteen noblemen, linked together against the committee government, suppose † good Covenanters otherwise."

The same manuscript, which has preserved to us the details of Montrose's demeanour upon this occasion, proceeds thus to record that of Napier and Keir.

"The Lord Napier (on the 21st June,) being first desired by the Lord Balmerino, Wedderburn, Sir Thomas Hope, and Edward Edgar, to answer to some interrogatories, he affirmed he could answer no more than what he had done by his former depositions, whereupon the Committee did send for him, who appearing, did answer ingenuously, as in his depositions of the date of these presents, 23d June 1641.

* This blank in Spalding is supplied from the letters of Baillie, who says, that on "Wednesday, 11th August (1641,) Colonel Lindsay being sick, he got warrant to put in his place, for charge of the Castle, any for whom he would be answerable. He named *Stephen Boyd*, his predecessor, whom the Committee, for his *too great respect for his prisoners*, [*i. e.* The Plotters,] had shifted of that charge."

† *i. e.* Notwithstanding they were.

"The Laird of Keir being likewise desired, the said 21st June, did refuse to answer to any interrogatories, and being called this 23d June, before the whole Committee, was interrogated whether he would answer to the said interrogatories, who answered, that he had answered already, and put the same in writing, whereunto he adhered, and since the matter for which he was called in question was concerning the public, *he desired he might be tried publickly*, and therefore desired to be spared. The President oft prest him to tell whether he would answer, yea or not, whereunto he still replied, that as oft as the President would demand him, he would as oft desire to be excused. The Committee after voting, found that he ought to answer, and not to stand to a refusal, and therefore appointed the President yet again to require; which being accordingly done, he still refused to answer. The President told him that the Committee would declare him obstinate and contumacious, whose answer was, that he should be content they should add that to the rest, and censure him for altogether, if he, in any of his carriage or expressions, has misbehaved himself, for the which he ought or should be declared obstinate and contumacious."*

Lord Napier's deposition of the 23d of June is not to be found among the manuscripts of the Advocates' Library. Fortunately, however, we are not left in doubt as to the nature of his "ingenuous answering;" for in the charter-chest of his family, notes of it, in his own hand-

* Original MS. signed "Craighall, I. P. D.," and endorsed, "E. Montrose, L. Napier, Laird of Keir, anent their carriage in the answering to interrogatories, 21st and 23d June 1641."

writing, are still preserved, which afford a most graphic account of his examination, and also of the method of the Committee in such investigations. As Napier's character for probity, and peaceful anti-factious dispositions, was well known in both kingdoms, it was a clog upon the virulent pursuit of Montrose and Traquair, that their case had become identified with this nobleman's, against whom it was scarcely possible to engender the popular excitement, and blind animosity, that was to come in place of legal evidence against the others. Accordingly the inquisitors were anxious, by all means, to shake off Napier, and the manner in which they endeavoured to do so could not be better described than in his own words, which we quote from the original manuscript.

"23d June 1641. I was sent for out of the Castle by the Committee, and when I came there, Craighall * being Preses, and, looking upon a paper he had in his hand, said to me, he had some interrogatories to pose me on. To which I answered, that he need not interrogate me, for, as I told the Lord Balmerino, and the rest that were with him the day before in the Castle, I had deponed all I knew, freely and ingenuously, and, therefore, I desired him to compare them with his interrogatories, and if any of them was answered by my depositions, it was well, and if any of them was not satisfied there, I could not do it, for I had deponed all I knew. And that not pleasing him, I asked him, if he would have me depone that I knew not? But he would needs read his interrogatories, and still I urged to read my depositions for answer. At last he says, that Keir's

* Sir John Hope of Craighall, the Lord Advocate's eldest son.

depositions and mine did not agree, in so far as I said I had not seen the instructions, but only heard Keir tell them to me. To which I answered, ' that is no material difference; since he made me know them by relation, I remember not that circumstance of shewing them; but I rather trust his memory than my own, who, apparently trusting his relation, and taking a short view, might forget that circumstance.' Then they were given me to read, with the King's answers upon them.* ' These,' said I, ' are your own desires, and herein the public receives no prejudice.' But Humbie † did read them, and because they did run upon generalities, as laws and former laws, without making exceptions of the laws of the last Parliament,‡ he would insinuate that we cared not for these. To which I answered, ' that is an ill commentary,—we were not to enter particular conditions with the King, but did touch the generals, leaving particulars to those who were employed about the treaty.' Then I was desired to look upon Walter Stewart's notes in a long small piece of paper, and was demanded if I saw (had seen) them. I said, no. Then they were read, and I was posed what was meant by, &c., and, &c., || and the *Elephant*, and *Dromedary*, and the *Serpent in the bosom*. I said I knew nothing of these hieroglyphics, that they were Walter's own notes. But then I was demanded if I knew the purpose was expressed under these notes. I said I knew not what they meant. They told me then that

* See them quoted from the Original Manuscript, p. 454.

† Sir Adam Hepburn, one of Archibald Johnston's confidential correspondents.

‡ The Parliament of June 1640, which virtually overturned the monarchical government in Scotland.

|| Instead of repeating all the mystical terms in this MS., Lord Napier writes, " &c."

the Elephant was my Lord Hamilton, who was the serpent in the bosom, and that he had strange ambitious designs. I answered, that there was never any such purpose among us; for I was resolved to answer to all that was demanded, and not in my depositions, with a No, as indeed I knew not what they meant.* Then I was asked if we three did not take an oath of secrecy before we went to the Castle. I answered we never took one oath or other. Then they read, in the paper, of one *Signior Puritano*. I demanded who that was? They told me it was my Lord Seaforth, whereupon I fell a laughing, and said he was slandered, and they fell in a great laughter. Then they posed me concerning Wigton. I answered that I had never seen Wigton since, nor knew nothing of it. Then I was asked concerning the keeping up of the Offices of Estate. I referred them to my deposition upon that point, which was read, and then I said we all did think the King would not be so simple as to dispose of them till he came hither, and when he came I did think it would be his last act. Then a paper, which came from Traquair, was shewn me, which I said I knew not, and so said they too.† So whatever they demanded of me which was not in my depositions, I resolved to answer, with a negative. Only one thing they

* From Lord Napier's scrupulous accuracy, upon which he prided himself, we understand this to mean, that, instead of *refusing to answer*, as Montrose and Keir did, he would answer *negativè* where he could, but without entering into explanations, additions, or qualifications. This he calls "negative answers without discourse," which, however, he was only induced to add to his previous depositions, in order to "avoid contumacy."

† Yet we shall find that this mystical *dealing with Traquair* was made the ground of the libel against Napier, as well as the rest.

posed me, concerning the dissolving the army, the answer was so fair as I resolved to satisfy them, and said, 'truly, my Lord, your question has brought something to my mind which I omitted in my depositions; I remember Walter Stewart said that the King could not with honour come home, the army being lying in his way, to which it was answered, that we had our Commissioners at London, if the treaty did not take effect, the King would not come home at all, and if it took effect, then the army would either dissolve, or they would be *his* army, and lay down their arms at his feet, so that would be no impediment.'

"Then I was removed, and a long consultation was had concerning me. At length I was called in, and there, in great pomp of words, and with large commendations of me in the course of my life, this sentence was pronounced, that the Committee had ordained me to have *free liberty*, and to repair to my own house, to do my lawful business, and an act read whereby I was obliged to answer them when they should call for me. To which I replied, that I knew that sentence proceeded from their favour to me, but truly in very deed it was no favour, but the doubling of a disgrace, first to send me to the Castle as a traitor to God and my country, in the view of all the people, and then, by way of favour, to let me go, which, if I did accept, was a certain though a tacit confession of guiltiness. It was answered, that it was not only favour, but out of consideration, that I was less guilty than the rest. To which I said that I knew I was as guilty as any of the rest, and *they knew nothing which they did not impart to me, and had my approbation.* At which words they cried all out that I was much deceived. Then I was earnestly desired not to contemn the Committee's sen-

tence, but accept of it. To which I said, that the Committee might command me to hazard my life and means to do them service, but this was my honour, which I esteemed dearer than either of the other two. For if my releasement were not got by means of my innocency, *after trial*, and not by favour, I could not avoid imputation; all the world would think that I had taken a way by (separate from) Montrose and Keir, and deponed something to their prejudice, which procured this special favour to myself; and therefore entreated them not to put a double indignity upon me, whom they esteemed less guilty, when, as yet, they had put but a single upon them. Whereupon I was removed, and there followed me my Lord Yester, Ould Durie, * and Archibald Campbell, who, for two hours I think, plied me with arguments to accept and obey the Committee's pleasure. Not being able to persuade me, the Committee gave warrant to receive me in again to the Castle, to be advised for a night. So I retired, and two or three of them followed me to the door, and by the cloak stayed me there, but all in vain.

"So, for any thing I can gather, the great fault they

* Whether the scene recorded by Lord Napier was before or after the extraordinary abduction of this "Ould Durie," as he was taking the air on Leith sands, does not appear. It is worthy of remark, however, that *Lord Traquair*, the nobleman whom the Committee of Estates affected to believe, was at the bottom of this plot, is the same to whom Christie's Will thus addresses himself in the well known ballad,—

Oh, mony a time, my Lord, he said,
I've stoun the horse frae the sleeping loun;
But for you I'll steal a beast as braid,
For I'll steal *Lord Durie* frae Edinburgh toun.

Oh, mony a time, my Lord, he said,
I've stoun a kiss frae a sleeping wench;
But for you I'll do as kittle a deed,
For I'll steal *an auld lurdane aff the bench.*

think to find is, that there was practising with Traquair, an incendiary. Admitting, but not granting, that it were so, it ought to be considered to what end that dealing was, to wit, to bring hither the King, to give his people satisfaction, to settle his own authority, and cure the distempers of the State; and if that end was for the good of the State, the means, Traquair, (called but not yet declared an incendiary,) was no such sinister one as deserves imprisonment. As for any thing that reflects upon Argyle, it is his own fault that urged so; neither are particular acts of * * * * to be accounted prejudices to the public, unless the one as well as the other be esteemed so.* By Walter Stewart's notes they think there is some practice against the Marquis,† and think to draw us in that of which *we know nothing*, if any be; and certainly that suspicion has got us, all his friendship, to be our enemies.

" My negative answers without discourse, to all not comprehended in my depositions, did well agree to that I said, that I had already deponed all I knew. But I was loath to do so,‡ till, after long fensing, they would needs read interrogatories, and I behoved to hear them. It avoided contumacy, and I could wish my Lord Montrose and Keir did the like, for once only, and never answer more, *negative* nor *affirmative*. For by their *not answering* they (the Committee) think their intention is to put off till a Parliament, though they do not appeal. But if they press us to any more answering,

* This sentence is obscure, and there is one word of it illegible in the manuscript.

† The Marquis of Hamilton. This false alarm on the part of Hamilton and Argyle resolved into " the Incident," to be considered afterwards.

‡ *i. e.* To answer at all.

it is but to ensnare and entangle us in contradictions, and it is not fit we do it." *

When it was found that no more could be made of John Stewart's "weakness of body and spirit," Argyle determined to put him to death.† The Parliament met on the 15th of July, when letters from the King were read, announcing that he could not be in Scotland until the following month. It was the law that the courts of justice should not sit during the meeting of Parliament. It was the will of the *de facto* King of Scotland, that Stewart should be disposed of before the King, *de jure*, arrived, and, accordingly, he obtained a Parliamentary dispensation from this rule.

Argyle, and his dark familiar, Archibald Johnston, with the hearts of hares,‡ possessed the savage nature of wolves, and the cunning of foxes. "Whereas," said Johnston in his secret correspondence with Balmerino, "I was never for their *blood*, but only for their confession, if we get these recriminations I think they deserve justice, *secundum merita*." § On Tuesday, the 20th of July 1641, Argyle stood up in his place in Parliament, and solemnly protested, that the matter of Mr John

* Original MS. in Lord Napier's handwriting.—*Napier Charter-chest.*

† "The Earl of Argyle, and the Committee, consulted Sir Thomas Hope, and other lawyers, upon the question, whether, seeing Mr John had assoilzied his Lordship of those speeches, and under his hand had took upon himself the guilt of forging them, it was fit that he should suffer, or, on the other part, be pardoned and preferred. The resolution was, that, if Mr John were spared, all men would think that he had been bribed to make that recantation, and that, therefore, it was necessary for Argyle's vindication, that he should suffer."—*Bishop Guthrie.*

‡ Witness the life of Argyle, and the death of Wariston.

§ i. e. *According to their deserts.* In Lord Hailes' collections, these Latin words had been misread for "*rather than mercy*," which, however, conveys Johnston's actual meaning.

Stewart's trial concerned not his, Argyle's, credit and honour alone, but that of the whole House; in the face of the public he declared that he did not bear malice against any man's person, but what the sequel of this affair might prove he remitted to the wise consideration of the House; lest, however, it should be thought that the judges favoured him in any thing, he humbly desired that the House would be pleased to appoint some of their number to be assessors to the Justice-Deputes, that by their help and advice, these things might be decided by law. Accordingly, Lord Balcomey,* Lord Elphinston, Rigg of Ederney, and John Semple (provost of Dumbartane, a most violent factionist,) were appointed to assist the judges. Lord Elphinston petitioned the House 'that his conscience would not suffer him to sit as judge to Mr John Stewart, in respect he himself was within degrees descended to my Lord Argyle; the House ordains the said Lord Elphinston and his colleagues' assessors to proceed and do justice.'"†

And yet before this farce occurred, an act and decree, dated 6th July 1641, had been passed by the Committee of Estates, by which the doom of John Stewart was sealed. The Committee had already entered into the whole merits of the case, expressly exonerated Argyle, and, declaring that all Stewart's informations were malicious lies, remitted him to be tried accordingly.

Once again were the old statutes against leasing-making recapitulated in a libel of Sir Thomas Hope's, —the statutes which had been so scorned and rejected

* Sir James Learmonth, a Lord of Session, of whom Nicol, in his MS. Diary, says that he was a man "very painful in his office," and that he died suddenly in his seat on the Bench, 1657, "which was esteemed to be a national judgment."

† Balfour's Journal of the Parl. 1641.

of the faction—the memorable crime for which Balmerino had, according to them, been so unjustly tried, so unfairly found guilty, so inhumanly condemned, and so tyrannically *pardoned*. The principal charge against Stewart was that of asserting and spreading abroad, by information given to Montrose and others, the alleged discourse of the Earl of Argyle in his tent at the ford of Lyon. The other charges consisted of the allegations as to the nature of the private bonds pressed upon the lieges by Argyle. All this, which constituted a very doubtful charge of leasing-making, under the Statutes, was worked up into a long and intemperate libel, interlarded with many opprobrious epithets. The evidence chiefly relied upon was the confession, by various letters and depositions, of the unhappy man himself, whose pleas, feebly urged, against the particular application of the statutes to his case, and the jurisdiction of the Committee by whose act and decree he was remitted for trial, were all repelled. He was again brought to make out the case against himself by a confession, in general terms, at the bar. The jury returned a unanimous verdict of guilty, and John Stewart was condemned to have his head struck from his body, on the following Wednesday, being the 28th July 1641.* The clergyman who attended him in his last moments was Mr Henry Guthrie, minister of Stirling, afterwards Bishop of Dunkeld, the same to whose contemporary memoirs we have frequently referred. This clergyman states, upon the authority of Stewart, that the confessions were extorted by the delegates of the Committee, who tempted him with promises of life, and even of preferment; "and," adds

* Orig. MS. Records of Justiciary.

this ear and eye-witness, " it was observed that at his dying he had not that courage which is ordinary to gallant men at their deaths; the reason whereof was construed to be an inward discontent for bearing false-witness against himself, when he found that the course, whereby he thought to have rescued himself from sufferings, proved the reason of it. This made him querulous against himself, as being the cause of his own death; and it was publickly talked that he expressed so much to divers friends, especially to Henry Guthrie, minister of Stirling, of whom he made choice to be assisting to him in his preparation for death, and who for that end was with him alone in the prison, the day before his death, from three o'clock in the afternoon till eight, and the morrow, being the day whereon he died, from ten o'clock in the morning till three in the afternoon, that he went to the scaffold, where also at his earnest desire, Mr Guthrie waited upon him, and left him not until he received the blow."

The covenanting chronicler, Baillie, particularly evinces upon this occasion his aptitude to take refuge from the dictates of his own conscience, in the vagueness of extravagant assertion, and the determined doggedness of fanatical calumny. Wild and contradictory as his epistolary allusions to this catastrophe are, we must here notice them particularly, for they seem to be the root of all the modern misconceptions and railing against Montrose on the subject. " Mr John Stewart," he says, " was condemned to die by an old act of Parliament. He supplicated the Parliament for mitigation of his censure. It is true that *none ever died for transgressing that act,* and Balmerino being condemned for an alleged transgression was thought to have got great wrong, and the preparative may prove very dangerous.

Whereupon some of the *justices* were *very scrupulous* to pronounce sentence." Thus far Baillie's conscience, —let us hear how the Covenanter smothered it: "Yet Mr John was stirring for the life of Argyle, Hamilton, Rothes, and, by consequence, at the overthrow of our treaty of the peace and welfare of the whole isle. It was *therefore* thought necessary to make an example, so much the more as his friends, for whose pleasure his lies were invented,* were giving out that all was but collusion betwixt him and Argyle, who undoubtedly would purchase him a free remission. These tales made Mr John be remitted to the judges, who would nor could not dispense with his execution." Now in the original records of Justiciary, where the proceedings against this unhappy man are to be found, we cannot discover that he was tried for, or charged with an attempt against any nobleman but Argyle. Yet Baillie, to enhance the necessity of the case, thrusts in Hamilton and Rothes, and the peace and security of the whole isle, but gradually loses himself in the vagueness of covenanting calumny, until it appears that "tales of collusion made Mr John be remitted" for execution. Then mark the progress of the calumny against Montrose. John Stewart's "friends" are the parties upon whom Baillie casts his blood. "It is very likely," says Mr Brodie, "that the punishment never would have been inflicted, had it not been for the pertinacious wickedness of Montrose, who privately circulated † that the con-

* This vague accusation seems to be founded on John Stewart's miserable expressions,—"beseeching his Lordship to have compassion upon my wretched estate, being only desirous to have *pleasured* the receiver thereby."

† What meaning did our historiographer attach to his own expressions, "pertinacious wickedness," and "privately circulated?" If Montrose, hearing that John Stewart had recanted, under the secret

fessions of Stewart had been procured by the undue practices of Argyle." And then comes the biographer of Hampden, leaning upon modern historians whom he never tested, and quoting records he never saw, and, with a more desperate and triumphant plunge into the mud of political calumny, pronounces for history—"nothing then remained for Montrose, but to *denounce* Stewart, as having been suborned to forge this confession, and thus embroiling the charge, he left his *wretched accomplice*," &c.

Malcolm Laing appears to have glanced at the col-

influence of the Argyle Committee, really said to any of his friends, that he suspected collusion, this would not have been "pertinacious wickedness," but the rash expression of a very natural surmise. Then Lord Nugent's re-revised version of the matter, wherein he figures Montrose *denouncing* Stewart, as having been *suborned to forge*, is still more extraordinary. Let us turn from these historians to facts and dates. John Stewart was induced to "clear the particulars" early in June. His confessions were private, and when, after Stewart's execution, Montrose petitioned Parliament for copies of those confessions, to prepare for his own trial, they were denied to him. The day after Stewart made his principal confession, Montrose was sent to solitary confinement. About the 23d of that month, the constable of the castle was dismissed, for suffering Montrose to see and speak to Napier and Keir. Upon the 21st of July, the new constable applied to Parliament to know if he might so far relax the confinement of Montrose, and the rest, as to receive petitions from them to the Parliament, to be delivered to their friends. A majority of the House allowed this. On the same day a petition was received, in this manner, from Montrose, praying to be allowed to confer with Napier and Keir in presence of the constable. This was refused. On the 28th of July, John Stewart was executed. On the following day another petition from Montrose, to be allowed to confer with Napier and Keir, was refused. On the 30th, the constable was authorized to allow Montrose to confer, in his presence, with so many friends, and no more, as could be commanded. When and how was it, then, that the "pertinacious wickedness" of Montrose, made the sentence to be put into execution against Stewart, either by "privately circulating" or "denouncing," that his confession was suborned by Argyle?

lection of original manuscripts from which we have extracted the various documents relating to the trial of John Stewart, but the notice of them, in that author's history of Scotland, indicates that he had done this so hastily, and partially, as only to be misled.* Alluding to Bishop Guthrie's too probable statement, he says, in the passage referred to below, "were we to believe the royalists, Lord Balmerino and Gibson of Dury tampered with Stewart to retract the charge, † and when persuaded to do so by an assurance of life and preferment, he was tried and executed at the instance of Argyle. Such odious and complicated treachery, which has been too hastily credited, is disproved by the original depositions before the Committee of Estates; which, fortunately for the memory of Argyle, are still extant." But it is far from being fortunate for the memory of Argyle that these manuscripts were preserved, as this historian must have seen had he taken the trouble to decypher them, and even his meagre abstract, of some of their contents, tends to condemn the object of his justification. Mr Laing only quotes the few lines of John Stewart's

* The manuscripts alluded to are bound together in a confused mass. V. 65, Wodrow's papers, Advoc. Lib. The depositions, &c. are voluminous and intricate, some of them much defaced, and all of them difficult to decypher. Mr Brodie in his history, (iii. 148. note,) simply refers to the volume in support of his own and Baillie's statements, of which, however, these manuscripts contain a complete refutation. Perhaps our historian only referred to this volume of manuscripts through Malcolm Laing's reference, (Hist. of Scotland, Vol. i. p. 500, note,) as Lord Nugent has referred to it through Mr Brodie, and in this most inaccurate form,—"*Woodrow's MS. Letters*, in the Advocates' Library, as *quoted* by Mr Brodie."—*Mem. of Hampden*, Vol. ii. p. 96.

† We now know from Lord Napier's notes that they tampered with *him*. That the same clique had been privately with John Stewart in prison we have also proved; and when we see their method with Napier, it is not difficult to believe Guthrie as to their management of so wretched a creature as Stewart.

recantation, where he, Stewart, states the interpolation of which he accused himself, and in which he draws the distinction betwixt a discourse of Kings in general, and the King in particular. Now, adds Mr Laing,—"that this confession was *strictly true* appears from Sir Thomas Stewart's original declaration,"—alluding to a more cautious version of the matter, as referring to *Kings in general*, which Sir Thomas declared he wrote out for Walter Stewart. * But so hurriedly, in his anxiety to controvert "the royalists," had our historian examined the matter, as not to perceive that, in reference to the character of Argyle, the assumption of the truth of John Stewart's recantation is equally dangerous as to suppose that it was fictitious. If Sir Thomas Stewart's attestation proves that John Stewart's confession was "strictly true," what does it prove of Argyle's declaration? That nobleman, with passionate oaths, "denied the whole and every part thereof, whereat *many wondered*." Nor is this a mis-statement or mistake on the part of Bishop Guthrie. Although John Stewart was condemned upon the confessions obtained from him, and although, —when at his trial he desired to adduce certain witnesses in support of his information as to the treasonable bonds,—he was peremptorily met with his own plea of guilty, yet Argyle thought it necessary to prove that the recantation as it stood was still essentially false. He produced certain depositions, of his own clansmen and followers, who were about him at the ford of Lyon,—those "supple fellows, with their plaids, targes, and dorlachs,"—in order to prove that not one

* Sir Thomas Stewart's (younger of Grantully) share in these transactions will be disclosed in the chapter of Traquair's defence.

word of a discourse, in reference to what passed at the Parliament in June 1640, about deposing Kings in particular or in general, had occurred in his tent. These depositions upon oath are among the same collection of manuscripts from which we have extracted so much, and this evidence is strangely opposed to the details of that very plea of guilty upon which John Stewart was condemned. Upon the 14th of June 1641, in presence of the usual conclave, Lord Balmerino, Sir Thomas Hope, and Edward Edgar, and after being confronted with, and hearing John Stewart,—

1. "The *Laird of Glenurquhy* declares that he staid within the Earl of Argyle's tent all the while, from the Earl of Athol, and the gentlemen of Athol, their entry in the tent, until the time that they as prisoners were delivered to those who were appointed to have the charge of them, whereof himself was one; and went no far way out of the same till they were taken to Ballach, and till he received three or four of the prisoners in his custody. And further, the deponer declares, that he remembers he sat in the tent hard by the saids two Earls, and heard the discourse that passed publickly betwixt the Earl of Argyle and the Atholmen, all which, as the deponer remembers, tended to the *doing of their duty* in the *public business of the kingdom*, and depones that he does not remember that he heard the said Earl of Argyle discourse anent the prorogation of the Parliament, neither had his Lordship any speeches at all anent the deposing of Kings *in general or particular*, and this the deponer declares to be of truth, upon oath, being solemnly sworn in presence of the said Mr John Stewart."

2. "*Mongo Campbell*, fiar of Lawers, depones upon oath, that he was in the Earl of Argyle his Lordship's

tent, when the Earl of Athol and gentlemen of Athol came there; and staid there all the time, except (whereof he does not fully remember) he went out and came in presently again, and that he did hear all the discourse passed betwixt the said Earls and others; and declares, he remembers not of any discourse had by the Earl of Argyle anent the prorogation of the Parliament, or of the reasons or ground for deposing of Kings *in general or particular*, as witness these presents sworn and subscribed in presence foresaid."

3. "Alexander *Menzies of Weeme*, being sworn solemnly, deponed, that he was in the Earl of Argyle's tent when the Earl of Athol and gentlemen of Athol that were prisoners, came there; and that the deponer staid there until they condescended on the sending out of the fourth man, * and the chusing of the Captain; and does not remember that the Earl of Argyle discoursed to them anent the deposing of Kings *in general or particular*, or of prorogation of the Parliament, whilst the deponer was there, as witness these subscribed in presence foresaid."

4. "Sir *Duncan Campbell*, of Auchinbreck, (on the 15th of June,) being examined upon oath, declares, that he had the charge of the guard the day that the Earl of Athol came to the ford of Lyon, which occasioned him to conduct the Earl of Athol and rest of the prisoners to the Earl of Argyle's tent, where, for the most part, he remained all the while the Athol-men were within the same, except at such times as his charge did draw him out, and so was still coming in and out,

* This must allude to that notable illustration and evidence of the covenanting unanimity of feeling throughout Scotland, which consisted in the conscription of every fourth man to serve in arms for the Covenant.

and declares he heard the discourses anent their obedience in coming there; as also in sending out their fourth man, and such things concerning the public; and declares he heard nothing either of the prorogation of the Parliament, or of the reasons why Kings might be deposed either *in general or particular*, as witness these subscribed with the deponer's hand."*

This negative evidence, of those who did not hear, or did not remember,—even were it of a less suspicious character than, under the circumstances, Argyle's following can be admitted to be,—is not of the same value as the positive evidence of those who did hear. There is not only the unvarying declarations of John Stewart, and the written statement of Sir Thomas Stewart, that some such conversation occurred, but it was reported to Montrose in presence of the Earl of Athol, who seems to have admitted the conversation.† Nor is this all. Montrose in his declaration also refers to Ogilvy of Inchmartin, as having heard the words. I have not been able to discover Inchmartin's first declaration, but that he had been examined, and that his declaration was not to the same effect as the evidence of Argyle's followers, is manifest from his answers to some additional interrogatories that had been put to him in writing. From the original manuscript of these questions and answers it appears that he was interrogated, —" if ever he heard of *that discourse which he alleges the Earl of Argyle spoke* at the ford of Lyon, *before that time*, and when and of whom?" To which Inchmartin replies,—" I never heard of it *before that time at the ford of Lyon*, by any man."

* From the original M.S. subscribed by the parties respectively, and by Balmerino, Sir Thomas Hope, and Edward Edgar.

† See p. 476.

It is impossible to peruse the manuscripts we have quoted, without being satisfied that Argyle attempted to support what he knew to be false. That John Stewart had been guilty of exaggeration, by asserting the express and particular application of what the wily Earl had put in more guarded terms, is possible. But Stewart never could have imagined the insane project of entirely inventing a conversation, as having passed in a crowd of witnesses, naming the particular men who had heard it, had the fact been that not one word of the kind ever passed. The hopeless scheme of ruining, by a falsehood utterly baseless, and certain of detection, the most powerful, the most vindictive, and one of the most able men in the kingdom, could never have entered a human brain. This circumstance, moreover, renders Argyle's defence incredible, namely, that John Stewart wrote to him, on the 5th of June, the letter we have quoted, and which, in the most abject terms of broken-hearted terror, offers a complete recantation. Now, upon the 7th and the 10th of the same month, we have the confessions he promised, and both contain the modified version of the discourse, as applied to Kings in general, to which he also adhered on his trial. Is it *possible*, under the circumstances, that John Stewart would have still adhered to so much, nay, the essential part of his falsehood, supposing the fact to have been that nothing was said of Kings in general or particular? On the other hand, the idea of some such discourse having passed, is powerfully corroborated by its alleged relation to that debate in the Scots Parliament of June 1640; a debate which (as we now know, from the admission contained in Archibald Johnston's secret letter,) Argyle and the faction had maintained against the King's in-

terest, to an extent which they themselves felt conscious inferred high treason. And this, too, must be taken along with it, that out of this same debate,—the muttering of a storm that uprooted the throne,—grew that *innocent* conversation of Sir Thomas Hope's, at Newcastle, about *Kings in general*, to which Lord Lindsay's *general* discourse of the blessing of a Dictatorship, and the high estimation in which the Earl of Argyle was held, forms another curious pendant.

So much for the discourse which Sir Thomas Hope, in his libel, calls "the last great lie at the ford of Lyon anent the deposing of the King." With regard to the preliminary charges, "the lies upon the three bonds," Argyle also considered it incumbent upon him to adduce some proof exculpatory of himself in addition to John Stewart's plea of guilty.

"15th June 1641. The Earl of Argyle produced six bonds, one whereof by the feuars and tenants of Badenoch, for payment of their duties; another for doing their *duty in the public*; a third by the men of the Brae of Mar and others, for doing their *duty in the public*; a fourth by the baron of Broachly and others *anent the public*; a fifth of the Lord Ogilvy's friends *anent the public*; and a sixth of the men of Athol and others for doing their *duty in the public*; whereof two of them are acknowledged by Mr John Stewart to be the bonds mentioned by him in his deposition last May 1641." *

Now this proves at least the extensive dealing of the Earl of Argyle in bonds, pressed upon the lieges in support of "the cause," which cause considered his

* Original MS. signed Sir A. Gibsone, I. P. D.

Majesty as "the enemy;" and it is easy to understand how deep and dangerous might be the treasonable design and effect of such bonds from the Earl of Argyle, without that nobleman's constitutional caution having so far forsaken him, as to allow such designs to appear very expressly on the face of the bonds.

Thomas Menzies, son to the Laird of Weeme, was also examined on the subject of the bond said to have been shewn to his father, and he "declares that there was a copy of a bond shewn by Glenlyon, which was for maintenance of the Religion, Laws, and Liberties of the Kingdom: and declares he never saw any bond wherein the Earl of Argyle is named without *relation to the public*, neither is he assured whether the Earl of Argyle's name was in it or not, but he thinks it was." But what better right had the Earl of Argyle to be "pressing" such bonds without the knowledge of Montrose, and the conservative noblemen, than Montrose had to get up his bond, for the maintenance of the Religion, Laws, Liberties and Throne of the kingdom, without the knowledge of Argyle and his faction? The Committee, however, on the production of these *Argyle* bonds, pronounce, at Argyle's express desire, a decree, dated 17th June 1641, approving of them all, and finding "the taking of them to be *good service to the public*, and ordains an act to be granted to the said Earl thereupon."*

How completely is the ground of Montrose's bond, "the private and indirect practising of a few," justified

* The bonds themselves I cannot discover among these manuscripts; but their dates are mentioned in the act and instrument of approval, as being all of 2d and 3d July 1640, that is, shortly before Montrose got up his conservative bond at Cumbernauld.

by the secret machinery of the Movement. In Scotland, the mysteriously signified will of the snake in the grass—the false "Gillespie Grumach," was the only law. Upon his nod depended the life or death of John Stewart. 'It is,' said his wretched victim, 'upon the act and decree of the Committee of Estates that I am now pursued before the justices; but the Parliament has solemnly agreed to conclude no business until the King is present. The act of the Committee, therefore, stands unratified by Parliament—postpone the conclusion of my process, or the pronouncing sentence until the close of the Parliament—have mercy on me, and spare me at least till the King arrives.'* The plea in law or in mercy was equally vain, under his Dictatorship, who could have reduced the Covenant itself to tinder by a stamp of his cloven foot. This momentous Parliament bowed to his dictation, and the church and her savage Procurator quailed to his bursts of passion.† Under the control only of that power, Archibald Johnston himself ruled the destinies of the Monarchy. It is a prevalent historical mistake to suppose that the present excitement was, to use Mr Brodie's phrase, "a grand national movement." It is no less a fallacy to assume that the Scotch Commissioners for the treaty in London were of one heart and mind in that storm which assailed the devoted Charles.

* From the original Record of his trial, it would appear that the unhappy man had no counsel. No "Prelocutoris in defence" are mentioned in his case.

† Argyle's power in the Scotch Parliament is continually indicated by Baillie. "July 16, 1641, Mr Archibald Johnston required that some of the ministers, Commissioners of the General Assembly, might have place for hearing. That motion was rejected by Argyle *with storm*, as making way for churchmen's voicing in Parliament."

A distinguished and critical writer has said that "when the Scotch Commissioners were consulted on the propriety of the King's journey to Edinburgh, they delivered an oracular response. 'It was desireable,' they said, 'but the time might be made convenient:'—too subtle to press that which their English friends did not wish, and too prudent to refrain from the chance of partaking of those royal favours which they were sensible were ready to be showered on them." * But the true key to their demeanour is to be found in the secret machinations of the Procurator of the covenanting Church. The first rumour of the King's intention to go to Scotland had given him great alarm, and his letters are full of violent scoffing on the subject. When he found that the King had indeed so determined, his object was to turn that scheme to account. Johnston knew that if any thing impeded the movement, if such an irresistible impulse were not now given to the machinery against the Throne as would enable him to say, "I think it is now over in God's own hand to do for himself," then his, this impious demagogue's, occupation was gone. He was aware that the royal visit involved the ruin of the faction, or would crown its triumph, according to circumstances. If Montrose, and every determined and upright adviser who might influence the King, could be kept from him during his presence in Scotland, the faction would triumph even upon that point of the treaty which now formed the death-struggle betwixt Monarchy and Democracy, namely, whether the King or the Argyle-ridden Parliament should appoint the Officers of State and judicial functionaries there. But so far was this from being a national feeling, that its agitation appears

* D'Israeli's Commentaries, Vol. iv. p. 367.

to have centred in Archibald Johnston, without whose nearly frantic exertions, the Scotch Commissioners would not have insisted upon that demand, nor the Committee of Estates instructed them to do so. The secret history of this matter is capable of some curious illustrations.

On the very day that the Committee of Estates commenced their agitation against Montrose, by calling "off the streets" Mr Robert Murray to depone before them, one of the Commissioners in London wrote in these terms to Montrose's nephew, Keir:—"There are some of Montrose's small unfriends who have written here that he has gone to Scotland to make new division, and to make a faction for the King against his home-coming. This I know to be a calumny; yet I thought good to acquaint you with it, that both of you might make your own uses of it."* Montrose had gone to Scotland, not indeed to create division or make a faction in opposition to the professed principles of the Covenant, but with an intense perception of the crisis, and in extreme alarm at the private and indirect practising of a few. Conversing with a clerical agitator, Montrose at once put his finger on the measure by which the practice of democracy was to be distinguished from the professions of the Covenant. "They are seeking," he said, "conditions contrary to the Covenant; because we have sworn not to entrench upon the King's prerogative—now, they desire that Officers of State, Council and Session, should be chosen by the Parliament." When, to this, Murray replied that these "are all good things if they could be obtained," Montrose declared that the Commissioners themselves had

* Original MS. Letter from William Drummond of Riccartoun, to his cousin, Sir George Stirling of Keir, dated 27th May 1641.

written that "their name would stink if they sought them," and that the Committee had written back orders to press the demand. Now it was one and the same individual who kept up the agitation on the subject both among the Commissioners and the Committee. Archibald Johnston, in a letter dated the 3d of March 1641, which we had not quoted before, thus informs Balmerino:—"The Sheriff-clerk and Riccartoun this day with great heat, hath disputed against our seeking the King's chusing the Councillors and Sessioners by advice of the Estates, alleging that our first instructions therefore were taken away by that instruction sent up with Maitland, for seeing honest men provided to places of State and Session, &c. Lord Rothes, Loudon, and myself *steivly byde by it*, and shewed there was neither any contrariety, nor, albeit there were, could we but obey the first, which was subscribed by both quorums, and declared unrepealable by any one of the quorums. So that changing only some few words we have forced them to keep the article."* It is the cousin and corre-

* Original MS. Advocates' Library. This letter had been so ill transcribed for Lord Hailes, as utterly to destroy the sense of it in his collection. We have now given very nearly the whole of a correspondence of which that great historical antiquary had published some fragments, but so inaccurately as to be quite unworthy of his subsequent fame. It is material to know this, for the fragments of Johnston's letters are referred to by Mr Hallam and other distinguished English authors, under the title "Dalrymple's Memorials of James and Charles I." In the letter last quoted, for, "the Sheriff-clerk, and *Riccarton*," Hailes has given, "and *B. Swinton*." For, "the King's chusing the council and session by advice of *the Estates*," Hailes reads, "advice of *our oath*." There is a passage in the same letter, printed thus: "Look what warrand ye would send to prevent inconvenients that may arise by our [*i. e.* the covenanting commissioners] over much *taking on with the Papists*."—On testing this unaccountable information, (which ought to have attracted more notice than it has done) by the original MS., I find it runs thus: "Look what warrand ye would send to prevent inconvenients that may arise by our

spondent of Keir, William Drummond of Riccartoun, who is here alluded to, and we thus find that he and others of the Scotch Commissioners were vehemently opposed to the revolutionary measures. In like manner it was the demagogue who kept up the agitation against incendiaries and plotters, and he actually urges the King's visit to Scotland as a reason why the act of oblivion should not be suffered to extend to them, and why the criminal processes should be pressed forwards by fair means or foul. The faction pretended that it was in fulfilment of *their* loyal wishes that the King had come, and they loaded him, on his arrival, with their canting caresses. Yet, "some amongst us," says Johnston, "would terrify us with this project of the King's own presence, as able in Scotland to reverse all that is done except the Acts of the Assembly, and to gain such a party in Scotland as to put honest men in hazard. God forgive them puts such hopes in the King's head. Albeit in reality I do not, nor others more understanding do, believe that the King has any intention, for all that is said, to go in person to Scotland, let *us* again be enjoined, and show *your* firm resolution, the rather to follow forth the incendiaries for *these very motions* to the King, and stops to the treaty; * * * and I will profess plainly, that before ever I condescend to the passing by of these incendiaries now, till the Parliament determine, I shall rather consent to the King's reserving a thousand of our number. Haste up your answer to us, and show this and my former letter to General, (Leslie,) Cassillis, Lindsay, and R. Meldrum. *Be sure this letter meet me not again,* and tell them the news or read it to them." *

over much taking *on us*. The Papists, the Lieutenant, Arundell, and Berkshire, have made some faction in the lower House," &c.

* Original MS. See p. 365, where the commencement of this letter,

Now this was not the fair working even of the covenanting Constitution. It was the private and indirect practising of a few, for their own ends, and by means that involved the downfal of the monarchy, precisely as Montrose complained. We find, moreover, a curious letter from the Scotch Commissioners to the Committee in Edinburgh, which places the conduct of the faction in a most extraordinary point of view, and we have prefixed it to this volume, that the reader may be still better enabled to form his judgment of the secret machinations of the Procurator of the Church in 1641.

Let us turn from him to one who, however deficient in some of the essentials of the kingly character, was a gentleman and a Christian.

In the very interesting charter-room, of that ornament of the north, Fyvie Castle—a scene of Montrose's bravery and Argyle's disgrace,—we find a document which cannot be regarded without emotion. It is the original manuscript, with interlineations by the King himself, of the Instructions he framed for the Earls of Dunfermline and Loudon, to present at the meeting of the Scotch Parliament in 1641. It was on the 20th of May that Charles announced his intention to Napier in the letter we have given. About ten days afterwards he had written to Montrose the letter found in Walter Stewart's saddle, where, most probably, it had not been secreted at the desire of the King, or any friend of his. Before the 30th of June, however, the date of the Instructions to which we allude, his Majesty had become aware of the imprisonment of Montrose, and his friends, and was also vaguely informed of the falsehoods by which Walter

dated 21st April 1641, is given. There is a clerical mistake in the 9th line of p. 366, viz, "any answer" ought to be "any accuser."

Stewart seemed to implicate the King himself in some anomalous and unintelligible charge of treason. In these Instructions, which will be found appended to this volume, may be traced the desire of Charles to sooth his excited country, to conciliate his rebellious subjects, to "satisfy them in point of Religion and Liberties, in a loving and free manner; to express his favour, and care of his subjects' weal, by giving way to any just motion of theirs for relief of the burdens the late troubles had laid upon them, and by granting what else might tend to their good." And they also speak of his anxiety to save his friends, (whose only crime was, that they loved him, and gave such advice,) from the "tyranny of subjects, the most fierce, insatiable, and insupportable tyranny in the world," and to save his royal prerogative, "an instrument never subjects yet handled well," from the grasp of an unprincipled democracy.

Mr D'Israeli remarks, that after the execution of Strafford, in May 1641, Charles' personal distresses, and the confusion in his councils, were such that he could not endure to be near Westminster, where one of his bed-chamber said, that nothing made the King more anxious to remove from his court and his council than that variety of intelligence, which at every minute was brought to him, and on which every one gave the most contrary opinions, and the most alarming comments. Now we cannot agree that, in this state of mind of the unhappy Charles, it is at all plausible to infer that a sudden and secret impulse of his own,—a quixotic adventure in quest of a mysterious document called the "Saville forgery,"—had determined his rapid journey. But we believe the simple fact, as stated by Lord Napier, (in other manuscripts of his we have yet to disclose,) when, in reference to the plot, he ex-

ultingly admits that "this private way (of advising the King) has been in some degree a means to further his Majesty's presence." And we may well understand how the precepts of high principle, and true patriotism, and devoted loyalty, conveyed in the language of those eloquent letters, would sink into the aching heart of Charles, as he turned from the bloody scaffold of Strafford, to that voice of promise from his native land. Mr Brodie may tell us that his journey was a "dark project to strengthen an unprincipled violent faction in Scotland,"—meaning the faction that would have saved the King,—and he may speak of the King's "atrocious deliberations" with Montrose, when there,—Montrose who was in solitary prison all the while. Lord Nugent may record for history that "the object of the King's going northward was to further a double intrigue, with the English officers, and the Scotch Covenanters,—that his motive was a treacherous one, and that, foiled in his attempt to bring up the English soldiers to London, he wished to join them on their own ground, and put himself at their head." We believe, rather, it was from the advice of Montrose, and Napier, that Charles derived the impulse to visit Scotland at this time, and that he hastened thither, with the desire of his subjects' weal in his heart, and that noble sentiment on his lips,—

——— Pax una, triumphis
Innumeris potior.

But, ere long, that hope departed from the sinking Monarch. He "looked for Peace, but no good came, and for a time of health, and behold troubles! Oh that I had in the wilderness a lodging place of wayfaring men, that I might leave my people, and go from them, for they be an Assembly of treacherous men."

END OF VOLUME FIRST.

ADDITIONAL NOTES

AND

ILLUSTRATIONS.

NOTE I. p. 13.—*Bishop Burnet's Letters in the Napier charter-chest.*

THE history of the very curious letter from Bishop Burnet, now first published in our introductory chapter, being among the Napier papers, is this: Archibald the second Lord Napier, Montrose's nephew, and devoted companion-in-arms, was, eventually, succeeded in the honours of Napier by his second daughter, Margaret. This lady was married to John Brisbane, Esq. whose epitaph, in St George's Chapel at Windsor, refers shortly to his many distinguished public services. "Here lies the body of John Brisbane, Esquire, who served King Charles the Second in many honourable employments, and died Envoy Extraordinary for Portugal in the year 1684, aged 46 years." He was a friend and patron of the Bishop, and, when Burnet wrote to him the abject letter which thus came to be preserved in the Napier charter-chest, Brisbane held the office of Secretary to the Admiralty. It is curious to compare the style of the letter in question with the following, written by Burnet to the Baroness Napier in her widowhood, and when he, Brisbane's "poor melancholy friend," had attained the courtly distinction and state influence of his latter days. The sufferings of the Napier family in the cause of royalty were more handsomely acknowledged than compensated after the Restoration, and Lady Napier had not the means of supporting her rank without assistance from government. The following letter to her from Bishop Burnet, of which the original is in the Napier charter-chest, appears to have been in consequence of some statement of her claims made through the Bishop.

"MADAM,

"I wish I could as effectually serve your ladyship, and your son, as I am sure I will endeavour it with my utmost force. I must freely tell you that I am afraid all your ancient pretensions, how just soever, will not be of great use to you, for since those princes, upon whom they lay more immediately, thought themselves so little bound to satisfy them, I cannot flatter your hopes so far as to desire you to think that these will signify very much now; nor can I think that Mr Brisbane's memory will be very much considered by those who never knew him. It must be your own worth, and the dignity of that noble family which you now represent, that must be your chief pretension. And I do assure you, that, when the revenue of Scotland comes to be settled, I shall employ all the skill and credit that I have in the world, to procure that for you which may be worthy of you. But the less this is known, I will be the more able to serve you. I have restored your papers to Mrs Erskine, and I beg you will believe that I have so great and tender a regard to Mr Brisbane's memory, and such an high esteem of you, that I will always look out for every opportunity by which I may witness how much I am, Madam, your Ladyship's most humble and most obedient servant, "G. BURNET."

"*Whitehall, the 25th of February.*"

Her ladyship had a pension of L. 200 from Charles II., which was continued to her by James VII. and by Queen Anne, but it does not appear from the family papers that she experienced the bounty of William and Mary. She had been disturbed, in her possession of some property within the court of the Palace of Holyroodhouse, by the officers of the Crown, in the year 1688, and obtained a royal letter to protect her right, in the narrative of which it is stated: "That as the estate belonging to the said family was sequestrated, and their goods plundered, so their writs and evidents were seized upon by the rage and fury of the rebels during the late usurpation, and were great sufferers for their constant loyalty and firm adherence to the true interests of the Crown." The Baroness of Napier presented to the College of Edinburgh the original and very beautiful portrait of her great-grandfather, the Inventor of Logarithms, which was engraved for his Memoirs published in 1834.

NOTE II. pp. 8—23—29.—*Archibald first Lord Napier's Correspondence with James VI.*

I had intended to have given, in this note, some original documents from the MSS. of the Advocates' Library, illustrative of Lord Napier's connection with the court, and of the estimation in which he was held, that being of importance to the character of Montrose, who was guided throughout the whole of his political career by the advice of his brother-in-law and tutor. But there has been recently printed, and presented to the Abbotsford Club by John Hope, Esq. Dean of Faculty, "State Papers and Miscellaneous Correspondence of Thomas Earl of Melrose," and for several of the documents to which I allude, I need only now refer the reader to the index of that magnificent collection, especially in reference to Napier's appointment to the office of Justice-Clerk, which he held for a short period before he was raised to the peerage. But the following letter from him to James VI. has not been printed.

"*To the King's most excellent Majesty,*"

"MOST SACRED SOVEREIGN,

"Being by your Majesty's favour admitted in the place of Justice-Clerk, I think it my duty to give your Majesty information of the estate of it at my entry. I find great confusion and disorder in the place, and, next, many principal parts of that office exerced by commissions, and by other judges not competent, through former negligence, whereby that judicature, where the chief point of your Majesty's sovereign power ought to be exerced, has now lost much of the antient power and dignity. For the disorder, it may be much amended by my care, which shall not be wanting. The other losses or abuses will require your Majesty's special directions to the council, by your Majesty's letter, requiring them to see all matters belonging to that judicature returned again to it, to be handled there as ought to be, and as was wont to be. The particulars (if so it please your Majesty) to be reformed, for avoiding your Majesty's trouble I have sent up to James Douglas, that, when your Majesty shall be pleased to write to the council for this purpose, he may show your Majesty these articles, and receive your Majesty's direction, either conform to them, or otherwise, as your Majesty, in your great wisdom, shall think expedient, to which I most humbly submit myself, with most ready mind to perform your Majesty's plea-

sure in that or any thing else, as I am bound far more than I am able to express. So humbly craving your Majesty's pardon for my boldness and praying Almighty God to bless your Majesty with a long and happy life, and all other his good blessings, I take my leave.

"Your Majesty's humble and obedient subject and servant,

"ARCHIBALD NAPER."

"*Edinburgh, 11th December* 1623."

The following letter, which affords an interesting historical illustration, is addressed to the same monarch, and has not been printed.

"*To the King's most excellent Majesty,*"

"MOST SACRED SOVEREIGN,"

"There is come down, a little before the rising of the session, a signature under your Majesty's hand, of almost all the chapellanries, prebendaries, altarages, and other small church livings within this kingdom mortified to the Chapel Royal. I, only, have seen and perused it. The Lord Treasurer, and Commissioners of your Majesty's rents, have not yet seen it; and before the twentieth of this month they are not to meet because of the vacation. Therefore I have taken the boldness humbly to intreat of your Majesty not to urge the passing of that signature before the council day, which shall be on the twentieth of August instant, at what time the Commissioners of your Majesty's rents will meet and consider of your Majesty's disadvantage, and other inconvenients that shall ensue, if any be: For I doubt not but your Majesty shall be earnestly solicited for that purpose, the pretext being so fair, and your Majesty's inclination so pious. To provide for the chapel royal, in a large and ample measure, is a good work, and worthy of the care of so gracious a Prince; but to do it by this mortification of all the chapellanries, almost, in Scotland, whereby most of your Majesty's greatest subject's rights shall be questioned, and your Majesty's own liberality to poor students, or ministers, all utterly restrained in this kind, I know not if, after true information, your Majesty will think it fit, especially when it may be done by mortification of a part of them, in a large measure. So humbly craving pardon for this boldness, which my duty enforces, I take my leave, praying eternal God long to preserve your Majesty in all happiness over us.

"Your Majesty's true and humble servant,

"*Edinburgh, 1st August* 1623." "ARCHIBALD NAPER."

This Lord Napier's manuscripts in the Napier charter-chest also afford a curious portraiture of James VI., drawn from the life, for Napier was a gentleman of his privy-chamber for seventeen years. "No living man," says Napier, "had the art to know men more perfectly than he; yet still importunity prevailed with him against his own choice —for it was his manner to give way to strong opposition, or his favourite's intreaties, yet never to give over his purpose, but at another time to work it by means of a contrary faction." Thus when Sir Gideon Murray left by his death the place of Treasurer-Depute vacant, his Majesty determined that with this office the long and faithful services of Napier should be rewarded: "Every man who had power put in for his friend, without respect of his sufficiency or ability, but no man could be proposed against whom his Majesty did not take some exception; which being perceived by the late Marquis of Hamilton, [father of the faithless Marquis,] a wise nobleman, in whom there was no virtue wanting, befitting his place and quality, and judging that the King had made some secret election in his own mind, desired to know who it was. His Majesty having named me, the Marquis did not only approve his Majesty's judgment, but also procured a warrant for my admission, wisely covering thereby the repulse he got for his friend." Lord Napier adds, that "from the King's own mouth, who knew the custom of the court, and *could never endure to be robbed of his thanks*, the whole carriage of that business was delivered unto me, together with a command to me to serve him faithfully, not to be factious, nor to comply with any to his prejudice, or the country's, or to wrong any private man for favour of another." At the same time James wrote to the Earl of Mar that letter (see p. 39, note,) in which he declares Napier to be "free of partiality, or any factious humour."

But Lord Napier was no sycophant, and never hesitated to give the most fearless advice, both to James VI. and Charles I., upon the most delicate subjects. The following, which is from the original draft in his Lordship's handwriting, will afford another illustration of the fact. The tenor proves it to have been advice to James VI. on the subject of the propriety of carrying the sentence of death into execution upon the favorite Somerset, whom James eventually pardoned. Those who are curious as to the historical problem of the guilt of that unhappy nobleman, and of the King's participation therein, will read this with considerable interest. It seems to prove that the writer had not the slightest idea of James being

in any way implicated in the matter, and was not even quite satisfied that Somerset himself was guilty.

" Suppose this man guilty of the crime that he is charged with, yet it is neither for the King's honour nor profit to destroy him."

" All the honour that is to be got that way is by opinion of *justice;* for *clemency,* the virtue whereby Princes approach nearest to God, has no part in this course. And what praise is due to extremity of justice? the best part thereof, example, and the most profitable, being already, by the death of four, * sufficiently established. The King's gracious and temperate manner in cases of like nature, ever in justice to remember mercy, without prejudice of either, being nothing like to the proceedings of this, settles an opinion in the people's hearts that private designs, private hate, private satisfaction, give motion to this violent course, and that justice is pretended only. If he be guilty, he remains not without punishment in his own person that has it in fame, and is cast from a great fortune, and the King's supreme favour, into contempt and disgrace, carrying with him the conscience of a crime, and a deserved punishment, though he have life, land, and liberty. If it be not for the King's honour, it is not for his profit; for matters of profit are the aims of private endeavours,—Princes have them, or may have them, with ease; but a good fame is *their* gain, and to be purchased at any rate; and where, in any consultation of theirs, profit comes to oppose itself to honour, it is reason that honour should carry it. But what profit is to be expected that way? His estate is not sufficient to help the King's affairs, and if it be applied to that use it will be thought to be the cause of his death. It may be said, that so the fortunes of others may be raised, and the King furnished with means to bestow. But when men shall see that the revenue of three kingdoms, the impositions and subsidies from the people, cannot serve the excess of these largesses, but that justice must be strained also, to make the rich guilty in order to furnish matter to that itching humour of bestowing,—the profit will not in any sort countervalue the loss. For there will be nothing but a general fear and bad opinion of the King, which shall lose the kingdom of the people's hearts, the next degree to the loss of that over their bodies and goods; for that Prince that will make men afraid hath reason to fear them again. It is a maxim of government that favours and

* Sir Jervis Elvis, (Lieutenant of the Tower,) Franklin, Weston, and Mrs Turner, were all executed for the murder of Overbury.

graces ought to be bestowed at several times—punishments and executions at once. If his Majesty give way to the execution of these two noble persons, * after so long a pause, men will think that these executions will never end, since neither time nor satisfied justice can mitigate the rigor; and that he is framing a precedent and a reason, by the rigor used to one in so great favour with him, and his countryman, † whereby he may be excused to use the noblemen and gentlemen of England with the like or greater rigor upon occasion. The noblemen, and these of great trust and place about him, will never more, after this man's destruction, trust to his goodness, his favour, or their own merit, but will seek to strengthen themselves with friendship, (a way much neglected by this man,) and will secretly league, and bind themselves together, against the King's power, whereby he shall not only not be able to punish them if they deserve, but also he shall find great difficulty to manage any business to his mind that concerns any of them, so that he shall govern *precario*, upon courtesy.

" Since, therefore, it is neither for the King's honour, nor his profit to use him with extremity being guilty, when there is nothing but *presumption* against him, ‡ which may fall upon the most innocent, it is far less profitable or honourable for his Majesty to suffer such extreme persecution, or to deny him the ordinary favours, and means to clear himself, that are granted to men in like case, or to expose him and his life to the search of his enemies, or to give them liberty to shift their accusations, and seek new and forged crimes, when the old will not serve their turns; these are infallible arguments and demonstrations to the world that justice is but pretended, and the overthrow of the person, *per fas et nefas*, by right or wrong, intended. In the course that is kept his Majesty's honour suffers extremely, for the people at first admired the King's justice—detested the person of the malefactor; but now *the note is*

* Somerset and his Countess.

† The favourite, Somerset, was Robert Carre, a Scotchman.

‡ Contrast Lord Napier's view of the case with the following passage in Hume: " All the accomplices in Overbury's murder received the punishment due to their crimes; but the King bestowed a pardon on the principals, Somerset and the Countess. It must be confessed that *James' fortitude had been highly laudable* had he persisted in his first intention of consigning over to severe justice all the criminals; but let us beware of blaming him too harshly, if, on the approach of the fatal hour, he scrupled to deliver into the hands of the executioner persons whom he had once favoured with his most tender affections."—Hist. Vol. vi. p. 78. But the above pleading of Lord Napier, and not want of fortitude in the King, may have saved Somerset.

changed,—for as they are called the beast with the many heads, and the many eyes, some whereof are so sharp-sighted as they can pierce into the private causes of things through the veils and pretexts, so it is impossible to abuse them any long time, for never was any thing so cunning as could deceive them all, neither did ever the general and constant voice of a people deceive any man. This voice *speaketh ill* of the proceedings and carriage of this business,—they are attentive to the event; if it fall out as most feareth, that beautiful face of the King's honour, that made all the world in love with it, shall be defaced with an irreparable blemish—the love due to him lost—fear settled—his security impaired. But the end crowns the work. Never prince had a fairer opportunity to procure mortal fame of a perfect justiciar, and a merciful father; this is the point of time,—if this occasion slip there is no other hold,—all that he can do afterwards is to small purpose, for, *invisum semel principem seu bene facta seu male facta premunt*. If he use clemency, as he has satisfied justice in this great example, he shall be beloved, honoured, secured, and like God in this that mercy is the last work. But, if he use not clemency, it will appear that justice, which should be, like the Lesbian rule, a constant and direct square to his actions, has been, like a leaden rule, wrested and turned to the will and passion of the workman; and all that is builded thereby shall prove ruinous, and like enough, if God do not prevent, to fall and endanger him, which God avert." *

The following original bond will also gratify the curious reader.

"Be it known to all men—that whereas Archibald Lord Naper is to procure me to be employed in furnishing his Majesty of confections of all sorts, during his Majesty's abode in Scotland, and has covenanted and agreed with me to that effect, at the rates and prices following:—To wit, all natural dry confections at 6s. 4d. per pound; the pastes and preserves at 3s. 4d. per pound; and Savoy amber, Savoy pistache amber, and Savoy fennell amber, at 13s. 4d. per pound, one sort with another; and several sorts of ordinary confects at 1s. 6d. per pound, as in the indenture

* "To soften the rigour of their (Somerset and the Countess) fate, after some years' imprisonment he (James) restored them to their liberty, and conferred on them a pension, with which they retired, and languished out old age in infamy and obscurity. Their guilty loves were turned into the most deadly hatred; and they passed many years together in the same house without any intercourse or correspondence with each other."—*Hume*, vi. 78.

made betwixt us of the date, the 12th day of September, anno Domini 1628, is contained. Notwithstanding, for the benefit I am to reap for the said employment, I am content to be bound, and by these presents do bind myself, my heirs, executors, and assignees, that I shall seek no more from the said Lord Naper, but that I, my heirs, and assignees, shall rest satisfied and contented with 4s. 6d. per pound for natural dried of all sorts; and with 2s. 6d. for the pound of pastes and preserves; and for Savoy amber, Savoy pistache amber, and Savoy fennell amber, 10s. per pound; and for pound of ordinary confects, 1s. 2d.; and that of these confections as shall be spent for his Majesty's own use only, and for such confections as shall be vended by me for the use of the country, I oblige me and my foresaids, that what price I shall receive above 5s. for the naturals, 3s. for the pastes and preserves, and for Savoy amber, Savoy pistache amber, and Savoy fennell amber, above 10s. per pound, and for the ordinary confects above 1s. 2d. the pound, shall be equally shared betwixt me and any the Lord Naper shall appoint. In witness whereof, I have subscribed these presents with my hand, before these witnesses, Archibald Campbell, brother to Sir James Campbell of Lawers, Alexander Naper, brother to the said Lord Naper, and Alexander Naper, burgess of Edinburgh. At Westminster the 12th day of September 1628."

This is obviously the contract referred to in our note to p. 53, and of which Lord Napier says,—"Then said I, I acquainted the King,—as indeed I did, and his Majesty remembered it,—with the manner and matter of this bargain." On the back of the bond is noted:—"24 Decr. 1629. I have this day received this back bond from the Lord Naper to be delivered up to his Majesty."

NOTE III. pp. 99–102.—*Charles I. and the Scotch Parliament* 1633.

Dr Cook, in his History of the Church of Scotland, and when narrating the proceedings of the Scotch Parliament 1633, at which Charles I. presided in person, has the following remarks: "The King took into his own hand a list of the members, and marked their votes. *The majority* was hostile to the Court, and Charles could not fail to know, from the paper which he held, that this was the case. The clerk of Parliament, however, whose office it was to announce the decision, *scandalously affirmed*, that the act as presented was approved, and when Rothes denied this, the King, instead of acting with the dignity and *honour* which might have been expected even from the humblest individual, gave his sanction to

the falsehood of the clerk, and maintained that as it was a capital crime to corrupt the records of Parliament, they who accused another of doing so must, if they failed in establishing the charge, be subjected to the punishment of death. It was too hazardous for the Lords to support an accusation which the whole royal influence would be exerted to suppress; and the act which had been *really rejected* was held to be confirmed by the Estates. But the effect of the *mean and indecent* exertion of the prerogative by which this was accomplished, the King could not be prevented."—Vol. ii. p. 340.

If it were conceivable that, under the circumstances of the Parliament 1633, the clerk-register would have ventured on the desperate expedient of making a false return of the votes, in the presence of the very men who had that instant voted, and that the King, with the real state of the vote in his hand, would have insisted on the false one, what could "the whole royal influence," (by which Dr Cook must mean the King's frown, and threats, on the spot,) have availed against an accusation, the witnesses in support of which were all present—all factiously and fiercely arrayed against the King—and moreover, *ex hypothesi*, constituted a "*majority* hostile to the court!" Let us examine, then, the note of authorities, by which Dr Cook supports the assertions in his text.

"*Burnet*, in his History of his own Times, Vol. i. p. 25, 26, has given a full account of the two acts, and of the conduct of the King; and, although in the Large Declaration the charge is represented as a calumny, the anxiety shown to refute it proves that it was generally believed, and had deeply impressed the public mind. Row MS. History, p. 250–252, mentions the King's marking those who voted, adding, 'the negative votes were *thought by some*, to *equal* the affirmative.' He also mentions that the King quarrelled the member who challenged the report of the register. Franklyn's Annals, p. 435, and Collier, Vol. ii. p. 755. Rushworth's Collections, Vol. ii. p. 183. Whitelocke's Memorials, p. 18."

It is most remarkable, that, with the exception of Burnet, whose version we shall presently consider, all the authorities, which appear so formidable in Dr Cook's note, will be found, on examination, to redargue his text. The Large Declaration referred to contains the King's own indignant refutation of the calumny in the following words: "But scarcely were we well returned into England, when the discontent of these men resolved itself into a plain sedition: For *then* they had the impudence to give it out that voices were bought and packed in the late Parliament, nay, that the voices

were not truly numbered, but that some acts were passed without plurality of suffrages; a calumny so foul and black as that they themselves did know it to be most false: For had there been the least suspicion of truth in it, *they might have made trial thereof by surveying their own papers, and the papers of many hundreds present, who took notes of the number of voices*, which were given either by assenting to, or disassenting from, the several acts read and proposed; by which papers if they had found but the *weakest ground*, for this their strong but false report, we have no reason to think that either their mercy or modesty was such that they would have forborne the calling of the Clerk of our Register in question for it; it being, as our Chancellor's office to ask the voices, so our Clerk of Register's office to take them and record them, and according to his own, and his clerks' notes who assist him, to pronounce the act passed or stopt: In which it is *impossible* he should deal but with sincerity, for else the notes *taken by most of the auditors*, being *a present and powerful conviction* of his false dealing, must presently transmit him to highest censure and punishment."

It is not easy to understand by what process of reasoning Dr Cook had brought himself to take this most natural, and unanswerable statement, as evidence *against* the King; or how he makes out that "the anxiety shown to refute the charge, proves that it was generally believed, and had deeply impressed the public mind!" The King was aware that his throne was attacked by the calumnious whisperings and secret machinations of a powerful democratic faction in Scotland; therefore he published this unanswerable defence, for the benefit of the public, as well as for his own; and to cast it aside, as Dr Cook has done, (while he takes as unquestionable the posthumous calumny of Burnet,) or to adopt it as proving the charge to have been true, indicates an opinion formed upon no just or scientific consideration of the evidence. But let us see if Dr Cook's other authorities bear him out. 1. The entire passage from Row's MS. is as follows: "But the negative votes were *thought by some* to have *equalled* the affirmative; and a worthy gentleman stood up and quarrelled the Clerk-Register for not marking the votes rightly. But the King, who also had marked them himself, commanded the gentleman to be silent, or else upon the peril of his life make that good which he had spoken; whereupon the gentleman sat down and was silent."—*Row's MS. Advocates' Library.* An *on dit* in the chronicle of a factious Scotch clergyman of the times is not the most trustworthy evidence, in such a matter, against the

King. But, taking the evidence as it stands, it manifestly neither redargues the King's declaration, nor supports Dr Cook's text. 2. *Franklyn* says: "The passing of the act concerning ecclesiastical habits did much perplex the dissenting Lords, and others, which occasioned some of them to divulge a *scandalous libel* reflecting upon his Majesty," &c. In what respect does this aid Dr Cook's text? 3. *Collier* says: "The passing this statute was regretted by the Presbyterians, who were afraid the English surplice might be forced upon them,"—but not one word does he say of the alleged fraud of the Clerk-register and the King. *Rushworth*—the partial Rushworth—though also quoted by Dr Cook, has not a word to countenance the calumny, but, after naming the dissentient Lords, says: "The passing of the act concerning ecclesiastical habits did much perplex the dissenting Lords and others, which occasioned some of them to divulge in writing a paper reflecting upon his Majesty, adjudged afterwards to be a libel, wherein was contained this reflection, how grievous a thing it was for a King in that place, by making of the subjects votes, to overawe his Parliament, and that the same was a breach of privilege, &c." This was the Balmerino petition, secretly circulated after the King had returned to England. Thus we have shown, that, with the exception of Burnet, all the authorities relied upon by Dr Cook actually *disprove* his case, and corroborate the statement of the King in his declaration. It only remains to consider Burnet's account of the matter, which, indeed, is the tainted source of this calumny against Charles I.

The Bishop, in a well known passage of his posthumous history, (p. 37, Oxford edit. 1823,) after a most partial account, unfavourable to the King, of the proceedings in the Parliament 1633, adds, —"Almost the whole Commons voted in the negative, so that the act was indeed rejected by the majority, *which the King knew*, for he had called for a list of the numbers, and with his own pen had marked every man's vote; yet the clerk of register, who gathers and declares the votes, said it was carried in the affirmative. The Earl of Rothes affirmed it went for the negative. So the King said the clerk of register's declaration must be held good, unless the Earl of Rothes would go to the bar, and accuse him of falsifying the record of Parliament, which was capital; and in that case, if he should fail in the proof, he was liable to the same punishment; so he would not venture on that. Thus the act was published, though in truth it was rejected."

Burnet does not mention the unquestionable fact, publicly declar-

ed by the King himself, that " many hundreds present took notes of the number of voices," and, again, that there were " notes taken by most of the auditors." In his partial and malicious way he gives it as if the King only had been thus checking the clerk-register; and, consequently, historians have laid much stress upon this fact, against the King. But the truth is that the King only did what all the rest were doing, in consequence of a keen and close contest, and what would now appear a strange proceeding on the part of his Majesty was then a very natural act. Burnet's version of the matter is ridiculous on the face of it, and although Dr Cook adopts it as *probatio probata*, to the entire exclusion of the authority of the Large Declaration, we must venture to think that Burnet cannot for a moment stand the test of that explanation from the King, promulgated when the parties were alive. Then all the contemporary authorities, *even of the King's enemies*, contradict Burnet. Compare him with Row, Rushworth, and Whitelock, all of whom Dr Cook has so strangely quoted in support of Burnet! But there is another record which convicts the Bishop, and which, unhappily, Dr Cook had omitted to consult, namely, the state trial of Balmerino. Burnet, in the sequel of the passage we have quoted, connects the Balmerino petition, (the seditious libel framed by Haig,) with the alleged falsifying of the vote in Parliament, which dishonest act of tyranny he states to have been a principal ground of that petition. Now the petition itself is printed in that record. It commences with a pretended humble remonstrance that his Majesty had not heard the " reasons of the opinions of *a number* of your supplicants in voting about these acts," and that he had put notes against their names, &c., and then it goes on to say, that " they that have been of contrary mind to a resolution *carried by the plurality of votes* have never hitherto been censured by a prince of so much justice and goodness as your Majesty." Thus even that notorious paper,—which Haig confessed that he had " made out of *some collections*, which he had *gathered upon some conferences* which he had with *sundry persons* the time of the Parliament,"—and in which, had there been a shadow of truth in the subsequently whispered calumny, that calumny would have been most prominent,—affords not a hint of the kind, but absolutely states, as a matter not disputed or doubted, that the acts in question were " carried by the *plurality* of votes." That Dr Cook had not consulted this record appears from the fact, that throughout his most mistaken version of the matter he continually speaks of the author of the libel as being " *Hayne*, his Majesty's

solicitor, a zealous friend to the liberties of the kingdom," whereas the state-trial would have made him intimately acquainted with *Mr William Haig*, of whom the factious Rothes himself, in that same trial, gave upon oath this character, that " of him he had *ever suspicion*, because he has *ever been busy* upon such *idle and foolish toys*," —as this same Balmerino petition!

The record of the trial also proves that Bishop Burnet's statement, namely,—" Much pains was taken to have a jury ; in which so *great partiality appeared* that, when the Lord Balmerinoch was upon his challenges, and excepted to the Earl of Dunfrise for his having said that if he were of his jury, though he were as innocent as St Paul, he would find him guilty, some of the judges said, that was only a rash word ; yet the King's Advocate allowed the challenge if proved, *which was done*,"—is most malicious and untrue. The record of the trial bears, " It is alleged against the Earl of Dumfreis that he cannot be received upon the assize, because he has given out his prejudiced opinion against the pannel, affirming, before any probation led, that the pannel is guilty of the dittay ; which the pannel referred to his Lordship's oath, alleging that in law a declinator is only to be proven against ane assizer by his oath ; and farder affirms, that the said William Earl of Dumfreis has been solicited and dealt with by prayer to find the pannel guilty of the dittay, which being referred to the said Earl his oath, *he denied any such matter*, that he either gave out speeches of the pannel's guiltiness, or that he was solicited or dealt with, by prayer or otherwise ; the justice admits him, *in respect of his declaration*." The disposal of all the other challenges, exposing the factious nature of the opposition, and the perfect impartiality of the trial, will be found in the same record, (Cobbett, Vol. iii. p. 690,) which, it is most remarkable, our historians seem not to have been at the pains to compare with Burnet's insidious account. Even Mr D'Israeli in his Commentaries, (Vol. iii. p. 205,) appears to give up the point against Charles, and is contented to refer to Mr Brodie!

NOTE IV. pp. 151, 224, 230, 257.—*Account of the Manuscripts of James Gordon, and Patrick Gordon.*

In the Library of the King's College, Aberdeen, (in referring to which I must acknowledge the kind assistance, in my researches, I there met with from its excellent librarian, an accomplished antiquary, the Reverend Mr Taylor,) I was permitted to consult

and make extracts from a manuscript, the history of which is inscribed upon it, as follows:

"Written on the first leaf of the manuscript, in Mr T. Ruddiman's handwriting, from which this copy was taken in the years 1788 and 1789.

"History of Scots affairs from the year 1637 to the year 1641, in five books, but the first wanting, and probably never written, being designed only as an introduction to the rest.

"This was written either as is supposed by the famous Robert Gordon of Straloch, or by James Gordon, parson of Rothiemay, his son."

That this MS. History, however, was not compiled by Robert Gordon of Straloch himself is manifest by that extract we have quoted from it, (see p. 230,) in which the writer, after enumerating Straloch among the Commissioners sent by Huntly to Montrose, adds that he, the writer, was "myself in company with the Commissioners from Huntly." This is most likely to have been James Gordon, Straloch's son. It is known that this James Gordon succeeded Mr Alexander Innes as parson at Rothiemay, and there is a passage in the manuscript history obviously referring to the fact: "Mr Alexander Innes, minister at Rothiemay, was brother-in-law to Mr John Maxwell, Bishop of Ross,—that was enough; but he refused to take the Covenant, and anno 1639, had gone to Berwick to the King; therefore, July 1st, he was turned out of his place, and in the following years exposed to many more sufferings, yet happier therein than Mr John Forbes, that his church the very next year, 1641, was planted with another whom himself had named, and to whose entry he gave his express consent; one who was willing to observe to Mr Alexander Innes the common rule of equity of *quod tibi fieri non vis*—and one who, in the following years, upon that self-same very account which had turned out Mr Alexander Innes, did run the hazard, oftener than once, of being turned out of that place, as well as his predecessor had been."

Another evidence, that James Gordon was the author, is derived from a very rare printed fragment, (for the use of which, and also for introductions to the various gentlemen who enabled me to inspect the MS. of the King's College, and the Records of Aberdeen, I am indebted to the kindness of Joseph Robertson, Esq.) being the Introduction to "Memoirs of Scottish affairs from 1624 to 1651," which were never published or completed, a work projected, and so far composed, by an industrious and somewhat learned person, of

the name of James Man, who published an edition of Buchanan's History, and was chaplain and overseer of the Charity Work-House of Aberdeen. The fragment in question contains some curious details regarding the original MS. sources from which the subsequent history was to be derived, and, *inter alia*, the author says, "The MSS., which a late author of the history of the Gordons gives out for Straloch's, were all written by his son James, as I am assured by the proprietor, James Gordon of Techmurie, the author's grandson, who has promised to communicate such of them as are in his possession. The most valuable one seems to be that which treats of the rise of the civil war, and which there is hope of recovering after it had run the risk of being lost." Further, it appears from a manuscript in the Advocates' Library, (in two volumes folio, very inaccurately titled on the back, "Straloch's Manuscript," and frequently referred to under that title,) which is in the hand-writing of this James Man, that he had afterwards obtained James Gordon's MS. of which he speaks in his printed fragment. For on comparing various extracts from the Advocates' MS., with that in King's College, Aberdeen, I found them to be precisely the same. Man's manuscript, however, is the more valuable of the two, for, besides containing the whole of James Gordon's history that the King's College MS. contains, it has in addition copious illustrative extracts from other sources, chiefly MS. some of which have been printed since, while others have been lost. That which is titled "Straloch's Manuscript," therefore, in the Advocates' Library, ought to have been called *Man's Manuscript*, being obviously his compilation for a projected history of the period, or an illustrated edition of James Gordon's MS. History. Before the extracts he has derived from the latter, Man prefixes the initials "J. G." To other extracts he has prefixed the initials "P. G." of which, on turning to the rare printed fragment, we find the following explanation:

"Another of my authors is *Patrick Gordon*, an high cavalier; brother to Sir Alexander, son to Sir Thomas, and grandson to John Gordon of Clunie." Man then proceeds to give the title of this MS. as I have quoted it in the note to p. 257 of this volume, and after referring to Patrick Gordon's attachment to Huntly and his sons, adds this account of the MS. in question: "Though it be his professed design to vindicate his chief from the imputation cast upon him by the author of the first narration, as he calls him,—meaning, I suppose, Dr Wishart, who writes the life of Montrose,—and though

the respective friends of Hamilton and Montrose speak not over favourably of Huntly's conduct, yet he fails not to do justice to Montrose's merit, every where extolling him as a hero, and giving a better account of his progress, and fuller in several particulars, than any thing that has hitherto appeared in print. Hamilton's conduct in the beginning he represents as treacherous, but seems doubtful as to the future part of it."

James Gordon's original MS. has been again lost sight of, but the separate transcripts at Aberdeen, and in Man's MS. supply its place. Of Patrick Gordon's MS., however, I have not been able to discover that either the original or a transcript is known to exist. Hence those extracts, marked " P. G." in what is inaccurately called the Straloch MS. in the Advocates' Library, and of which we have thus afforded the explanation, are the more valuable, from being all that has been preserved of this contemporary chronicler, the loss of whose history of Montrose's progress is much to be regretted.

NOTE V. p. 200.—*The Large Declaration. Margaret Mitchelson.*

Many of Dr Balcanqual's original MSS. of the Large Declaration, which he compiled under the sanction of Charles I., are preserved in the Advocates' Library. No statement or argument of those excited and pamphleteering times will bear a closer examination than this manifesto of the King's, the unanswerable truth of which greatly enraged the Covenanters. Mr Brodie adopts their vituperation of it, and imitates the tone. Speaking of the Rev. Robert Baillie, he says, " The Large Declaration this writer pronounces ' an unexampled manifesto, heaping up a rabble of the foulest calumnies that ever were put into any one discourse that he had read.' *Hence* (adds Mr Brodie) little reliance can be placed on it; and *I suspect* that the story of Mitchelson, the prophetess, is one of the *forgeries* of Balcanqual, Ross, *and others*. Burnet gives no authority, and Baillie *and others* never allude to it." *Hist.* Vol. ii. p. 502. But, we may ask, could it have entered into the head of Balcanqual, Ross, " and others" to *forge* and publish a story of the very day, the alleged witnesses being *the public itself!* Mr Brodie does not reflect that the allegation to the public of a fact as being notorious to that public, cannot well be a forgery.

But we can afford, in corroboration of the account given in the King's Declaration, a contemporary authority both from the loyal and

the covenanting side of the question. The following is from James Gordon's MS.

"About these times (1638) likewise arose the she prophetess, a maid called Mitchelson, the daughter of a minister, whom some allege to have been subject to fits of distraction. Her father left her an orphan in her younger years. She was acquainted with the Scripture, and much taken with the Covenant, and in her fits spoke much to its advantage, and much ill to its opposers that would or at least that she wished to befal them. Great numbers of all ranks of people were her daily hearers, and many of the devouter sex. The women prayed and wept with joy and wonder to hear her speak. When her fits came upon her she was ordinarily thrown upon a down bed, and there, prostrate with her face downwards, spoke such words as were for a while carefully taken down from her mouth by such as were skilful in brachygraphy. She had intermissions of her discourses for days or weeks, and before she began to speak it was made known through Edinburgh. Mr Harry Rollock, who often came to see her, said that he thought it not good manners to speak whilst her master was speaking, and that he acknowledged her master's voice in her. Some misconstrued her to be suborned by the Covenanters, and at least that she had nothing that savoured of a rapture, but only of memory, and that still she knew what she spoke, and being interrupted in her discourse answered pertinently to the purpose. Her language signified little. She spoke of Christ, and called him 'Covenanting Jesus'—that the covenant was approved from Heaven—that the King's covenant was Sathan's invention—that the covenant should prosper, but the adherents to the King's covenant should be confounded; and much other stuff of this nature, which savoured at best but of senseless simplicity. The Earl of Airth,—upon a time, getting a paper of her prophecies which was inscribed, 'that such a day and such a year Mrs Mitchelson awoke and gloriously spoke,' in place of the word gloriously, which he blotted out, wrote over it the word *goukedly*, or foolishly,—was so much detested for a while amongst the superstitious admirers of the maid, that he had like to have run the fate of one of the bishops by a charge with stones upon the street. But this blazing star quickly vanished, and her prophecies were never printed, nor was she any more taken notice of after a little while's reiteration of holy tautological nonsense, and impertinent repetitions of Scripture sentences, mixed with some new phrases that were not Scripture language."

The other authority is a contemporary MS. in the Advocates' Library, entitled, "A True Relation of the Bishops in introducing of the Service Book," &c. and in which occurs the following passage:

"*Margaret Mitchelson's gracious raptures.*

"About this time also, in Edinburgh, one Margaret Mitchelson, a good religious damsel, being somewhat troubled in spirit, fell into a trance, and was so ravished with heavenly and divine speeches and praises to Christ, that her bodily senses almost failed her; and in the time of those raptures, which took her often, and sometimes keeped her long, she might take no meat nor drink, nor did nothing but bursted out in admirable divine speeches, expressing her love and joy in Christ, and her assurance of blessedness in him, as the like speeches *never proceeded of flesh and blood;* many of the nobility and ministry, and well-affected Christians, thronging to hear her, being wonderfully moved with her speeches."

Note VI. p. 234.—*Town-Council Books of Aberdeen.*

The following extracts, from the Town-Council books of Aberdeen, prove that Montrose exercised no unnecessary tyranny or harshness towards the town when occupying it for the Covenanters. Nor can I find any entry in those records at all corroborative of the accusation of cruelty brought against Montrose, by modern writers. I must acknowledge my obligation to Mr Hardy, the town-clerk of Aberdeen, for the facilities afforded me there, of inspecting and making extracts from these original records.

"25th March 1639.—The quhilk day, in respect that Doctor William Johnston, and George Morison, who were directed commissioners from this burgh to the Earl of Montrose, upon the 20th day of March instant, with Mr Robert Gordon of Straloch, and Doctor William Gordon, commissioners likewise to his Lordship from the Marquis of Huntly, did receive a delaying answer at that time from the said Earl of Montrose to such propositions as they did remonstrate to his Lordship. Therefore the provost, bailies, and council, think it expedient to direct the same commissioners of new again to the said Earl of Montrose, and to propone to his Lordship, and others of the nobility there present with him, the articles following, and to crave their answer thereupon; of the quhilk articles the tenor follows:

"It is desired by the town of Aberdeen, that they may have assurance that no hostility be used against them; nor none of their magistrates, ministers, nor others their inhabitants, be forced in their consciences, nor wronged in their bodies or goods; and that their town be left in peace, as they are content to give a peaceable entry to the nobility and their army. *Item*, that the town be not urged to receive nor harbour more people nor they may conveniently ease. *Item*, if any particular persons give any offence, that it be repaired in private, but (without) reflecting upon the public peace. And the town promise a peaceable entry and issue, and such accommodation as they can afford during the abode of the nobility there; subscribed by the provost and bailies, and by the Marquis of Huntly as consenter, the 25th day of March 1639."

"28th March 1639. The quhilk day the whole town, both free and unfree, being convened in the Tolbooth by the drum, Mr Alexander Jaffray, provost, shewed and declared to them the articles mentioned in the act immediately before written, quhilk the magistrates and council had sent with their commissioners to the Earl of Montrose, and remanent nobility of the Covenant, approaching towards this burgh with their army; and withal the provost shewed the answers quhilk our commissioners had received in writing to the said articles, of the quhilk answer the tenor follows:

"The Earl of Montrose did express that his intended voyage for Aberdeen is only for performing the appointment of the late General Assembly, according as it hath been done in other places, and in no way to do the smallest wrong or injury to any, (as perhaps is supposed,) nor use the meanest violence, except in so far as his Lordship and his Lordship's followers shall be necessitated for their own safety, and their cause. In respect of the quhilk diligence used by the magistrates and council in directing commissioners to the said Earl of Montrose, and of the said Earl his answer foresaid given to the saids commissioners, the town declared that they are content to receive the noblemen and their followers, and to harbour them after the most commodious manner they can, and desires the magistrates to give order, ilk bailie through his own quarter, for that effect, and for furnishing competent lodgings unto them such as the town can afford."

"*Memorandum*, on Saturday the penult day of March 1639, the Earl of Montrose, General of the Army, accompanied with Earl Marischal, the Earl of Kinghorn, General Leslie, the Lord Coupar, the Lord Elcho, the Lord Fraser, the Master of Forbes, and many

Barons of Angus, Mearns, Mar, and Buchan, come to the town of Aberdeen with their army of horse and foot, where they entered and marched through the town to the links, and there they pitched their camp, being accounted six thousand men, sat at their council of war, and thereafter the Earls of Marischal and Montrose, General Leslie, and the greatest part of the army marched that day from the links to Inverury, leaving behind them the Earl of Kinghorn, with eighteen hundred men, to lie in the town till their back-coming; and before they marched out of the links the noblemen sent for our provost and bailies, and charged them to fill up and cast in our trenches in all possible diligence, and to enter to work for that effect on Monday next, and to continue thereat till all the trenches were filled up again, under the pain of plundering and rasing our town, quhilk was accordingly obeyed."

NOTE VII. p. 312.—*Anecdotes of Argyle.*

Bishop Guthrie records that, in the year 1640, Argyle persisted in destroying the house of Airly, (with whom he was at personal feud,) although Montrose had put a garrison into it, under command of Colonel Sibbald, and had written to Argyle to that effect. James Gordon in his MS. has this account:

"I have seen some memorials, of the proceedings of these times, which do refer the demolishing of Airly Castle to this expedition, though I made mention of it the last year (1639.) Sure it is that in anno 1639 it was burnt by Argyle; therefore what more he did there at this time I cannot peremptorily determine. This far is certain that (if you abstract from the time) Montrose with a party was the first who besieged Airly, and left the prosecution of it to Argyle, who at the demolishing thereof is said to have shewed himself so extremely earnest, that he was seen taking a hammer in his hand, and knocking down the hewed work of the doors and windows till he did sweat for heat at his work. There was likewise another dwelling, belonging to Airly's eldest son, the Lord Ogilvy, called Forthar, where his lady sojourned for the time. This house, though no strength, behoved to be slighted; and although the Lady Ogilvy, being great with child at the time, asked licence of Argyle to stay in her own house till she were brought to bed, that could not be obtained, but Argyle causes expel her, who knew not whither to go. The Lady Drum, Dame Marion Douglas, who lived at that time at Kelly, hearing tell what extremity her grandchild, the Lady Ogilvy, was reduced to, did send a commissioner to Argyle, to whom the said

Lady Drum was a kinswoman, requesting that with his licence she might admit into her house her own grandchild, the Lady Ogilvy, who at that time was near her delivery; but Argyle would give no licence. This occasioned the Lady Drum to fetch the Lady Ogilvy to her house of Kelly, and to keep her there upon all hazard that might follow. Yet, though Argyle would not consent thereunto, he had no face to quarrel afterwards with this generous matron upon that account, she being universally known to have been as eminently virtuous and religious as any lady in her time. At such time as Argyle was making havoc of Airly's lands, he was not forgetful to remember old quarrels to Sir John Ogilvy of Craig, cousin to Airly. Wherefore he directs one Sergeant Campbell to Sir John Ogilvy's house, and gives him warrant to slight it. The Sergeant coming thither found a sick gentleman there, and some servants; and looking upon the house with a full survey, returned without doing any thing, telling Argyle what he had seen, and that Sir John Ogilvy's house was no strength at all, and therefore he conceived that it fell not within his order to cast it down. Argyle fell in some chafe with the Sergeant, telling him that it was his part to have obeyed his orders, and instantly commanded him back again, and caused him deface and spoil the house. At the Sergeant's parting with him Argyle was remarked by such as were near to have turned away from Sergeant Campbell with some disdain, repeating the Latin political maxim *abscindantur qui nos perturbant* [let them who trouble us be cut off,] a maxim which many thought that he practised accurately, which he did upon the account of the proverb consequential thereunto, and which is the reason of the former, which Argyle was remarked to have likewise often in his mouth, as a chief aphorism, and well observed by statesmen,—*quod mortui non mordent,*" [the dead do not bite.]

NOTE VIII. p. 509.—*Archibald Johnston's double dealing.*

"*Letter from the Commissioners at London, to the General, and Committees at Edinburgh and Newcastle.*

"Right Hon^ble^,

"Amongst our others received from your Lordships, we did also receive one direct to his Majesty, the first part whereof, expressing your earnest desires for his Majesty's coming to Scotland, was very acceptable to him, and his Majesty did declare that he continues constant in that resolution to come

down. We did likewise present your thanks unto the Queen yesterday, who declared her propension and readiness to intercede with the King, that there might be a right understanding betwixt him and his subjects of Scotland; and that the long-continued correspondence betwixt France and Scotland, and the good offices which many of that kingdom have done to her father, is a reason she acknowledges to move her Majesty to do all the respect and kindness she can do to that nation.

"There are dayly arguments and reasons given in, in his Majesty's name, that the act of oblivion may be general, without reservation or exception of any person whomsoever, which we do always oppose. Yet we cannot but shew your Lordships, that you have laid a very hard and difficult charge upon us, in commanding us to maintain that none cited to the Parliament can be passed from, but that the act of oblivion be general for all men and all faults upon the one side, and that the noblemen, and considerable gentlemen who have adhered to the King, shall be under the lash and hazard of the Parliament's censure. But we are resolved closely to adhere to your directions and instructions, and maintain them with the *best reasons we can.*

"We have, and shall with all instancy urge the removing of the Incendiaries from the King and Court; and we did yesterday make use of the information sent to us, concerning the discovery of the Earl of Traquair's plots, as an argument to the English Commissioners, and the Committee of both Houses of Parliament, (who did then convene with us,) to move them to intercede with the King that he might be removed from his Majesty, and from Court, and *sent home* to abide his trial, which we shall still press, whether the same be obtained or not; and shall make the *best use we can of any further informations or discovery your Lordships shall be pleased to send us.* The King *denies* his knowledge of these plots betwixt the Earls of Montrose and Traquair: and we heard that Traquair doth likewise pertinaciously deny that wherewith he is charged. But it is not likely that Lieutenant-Colonel Walter Stewart, his relation to the Earl of Traquair being considered, would, to his prejudice, have invented them, and we hope that God, who has begun to discover these mischievous plots, will at last bring the same to light.

"Mr Archibald Johnston is to take journey from hence one of these two days; nor could the condition of our affairs and treaty spare him sooner. The debates we have about the act of oblivion

and articles of trade, and the Lower House is *so much taken up with the discovery of plots here*, and *removing of Episcopacy*, that it hath foreslowed the close of the treaty, which we shall press with all possible diligence, and shall, immediately after we come to a conclusion, send down three of our number, according to your Lordships' direction. Remitting your Lordships more particular information of all particulars to Mr Archibald Johnston his relation, we remain,

"Your Lordships' affectionate friends and servants,—

"*Subscribed by all the Commissioners.*"

"London, 16th June 1641."

[MS. Vol. of contemporary transcripts of the negotiations at this treaty.—Advoc. Lib.]

Thus Archibald Johnston, as one of the Commissioners, complained of the very instructions which, as a *private and indirect practiser*, he had passionately demanded from the Committee!

NOTE IX. p. 510.—*The King's Instructions to Dunfermline and Loudon.*

"CHARLES R.

"1. To show that it is our royal intention to go to Scotland to hold the Parliament in our own person, and that the real end of our going is to remove all distractions, and to establish a firm and durable peace in Church and State,—that we may be so cordially reconciled to all our native subjects, as they may be assured of our royal protection, and pay to us the tribute of true affection, and dutiful obedience, and shall not hearken to any divisive motion, or misinformation, which may in any sort breed discord, or be a hinderance of a happy and durable peace.

"2. You shall make known to them that it is our royal resolution to establish the Religion, and Church Government of Scotland, according to the acts of the late Assembly, without intention of change or alteration thereof, at any time hereafter.

"3. To show that we intend that such churches, and stipends of ministers, as have not been taken into consideration of the former commissions, shall yet, in a new commission, be considered,—that the tythes of these paroches may be settled according to the order which was formerly taken, and that the ministers' stipends may be augmented.

"4. Concerning the presentations of ministers to the kirks whereof we are patron, we intend to take such order by the advice of the General Assembly, and our Council, as men of best gifts, and qualifications, may be presented to these churches.

"5. To show that we intend to grant some supply, out of the rents of the late bishops, to the colleges, which are the seminaries of learning, the better to enable them to breed men of such virtue and endowments, as may be fit for the service both of Church and State.

"6. Concerning the Government civil, you shall declare that it is our royal resolution to govern our people according to the fundamental laws of that kingdom, and to minister justice equally to all men, and that all matters ecclesiastic be judged by the General Assemblies, and other subordinate assemblies of the church, and that all matters civil shall be judged by the Parliament, and other inferior Courts of Justice established by the laws of that kingdom.

"7. To show that we shall ratify the treaty of peace in the Parliament of England before our parting from hence, and shall likewise ratify the same in the Parliament of Scotland at the next Session thereof.

"8. Seeing we conceive that there is nothing which can conduce more for establishing our authority, and procure the obedience of our subjects more, than the administration of justice, to show that we intend, at our being in Scotland, to command the Council and Session, and other Courts of Justice, to be patent, and to proceed in the administration of justice.

"9. As concerning the selection and appointing of our Officers of State, Counsellors, and Sessioners, we desire you to be most careful and earnest in endeavouring all ye can, and using of your best means, to make the articles that we already drew up upon that proposition to be condescended unto, and accepted, as fittest for our honour, and the just satisfaction of our subjects.

"10. We having most clearly expressed our former resolution to establish a durable peace, in the Church and State, in that our ancient and native kingdom of Scotland, and for that effect to be present at the Parliament shortly to hold there, and being most desirous to prevent all impediments that may cross or hinder cordial unity, so really intended by us with our native subjects, we earnestly recommend to your care, that the Earl of Traquair, making humble submission to us and the Parliament, you try the minds of the Committee, and deal effectually with them to intercede with the Parliament, to accept of his humble submission, and the same

being accepted and recorded, that no further sentence of Parliament pass against him.

"11. And that all others cited to the Parliament who shall not be found guilty of some great and extraordinary crime, but have only left the country, [*i. e.* "the cause,"] and adhered to us, be past from.

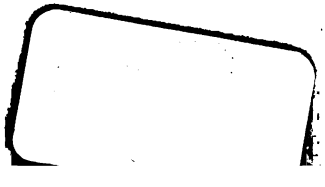
"12. That you deal with the Committees to be content themselves, and to intercede with the Parliament, that the keepers of Treeve, Dunbartane, and Edinburgh, may be remitted, and restored to their estates in this Parliament, seeing *all is now to take a peaceable close.*

"13. Although the fountain of justice is not to be stopt, nor the legislative power, which is in us and our Parliament, to be restrained, yet seeing all things conceived to be necessary for the peace of the church and kingdom, after full debate, and upon mature deliberation, are agreed unto, special care will be had that no new thing be urged which may be derogatory to our regal power, honour, or benefit.

"14. If the necessity of important affairs shall happen to detain us here, so as we cannot keep punctually the day appointed for the meeting of the Parliament there, that they would either prorogate the Parliament for a fortnight [interlined, in the King's hand, *moneth,*] or, if they be unwilling to have it adjourned, that they may for the space of *one moneth* [filled up in the King's hand,] sit still for preparing and ripening of business to the Parliament, but make no determinations till our coming there.

"C. R."

"*Whitehall, the 30th of June* 1641."

There can be no doubt that the original MS. in the Fyvie charter-room, of the above Instructions, is that which was given by Charles the First to the Earl of Dunfermline and Lord Loudon, to be by them laid before the Scotch Parliament, which met on the 15th July 1641. Fyvie Castle was the seat of the Earls of Dunfermline, who were Lords of Fyvie and Urquhart. It has passed into the Aberdeen family; and I am greatly indebted to the kindness of its present hospitable owner, William Gordon, Esq. of Fyvie, who permitted me to transcribe the above, and other interesting documents in the charter-room of the Castle.

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